Nov. 10, 1975

THE NEW YORKER

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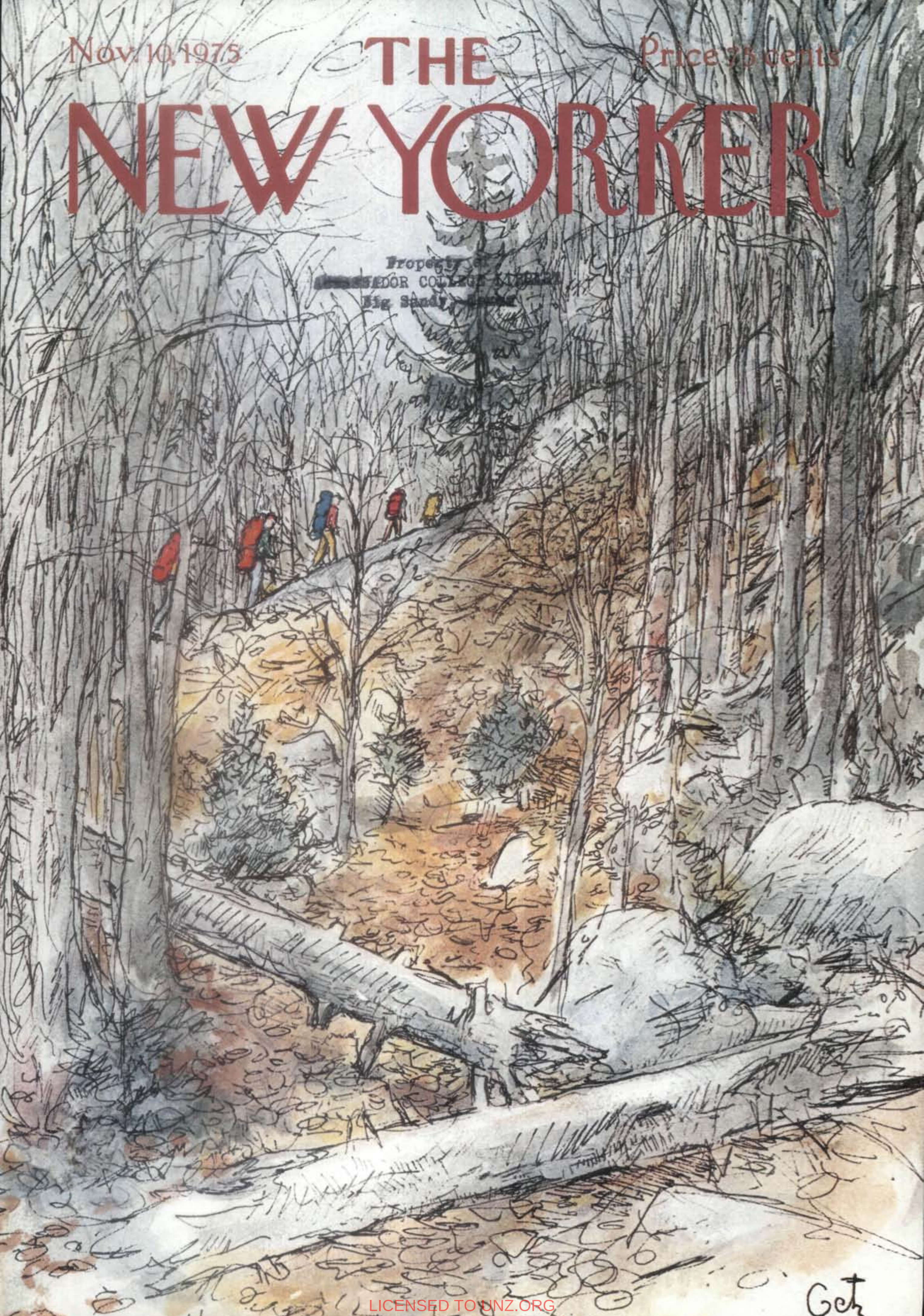

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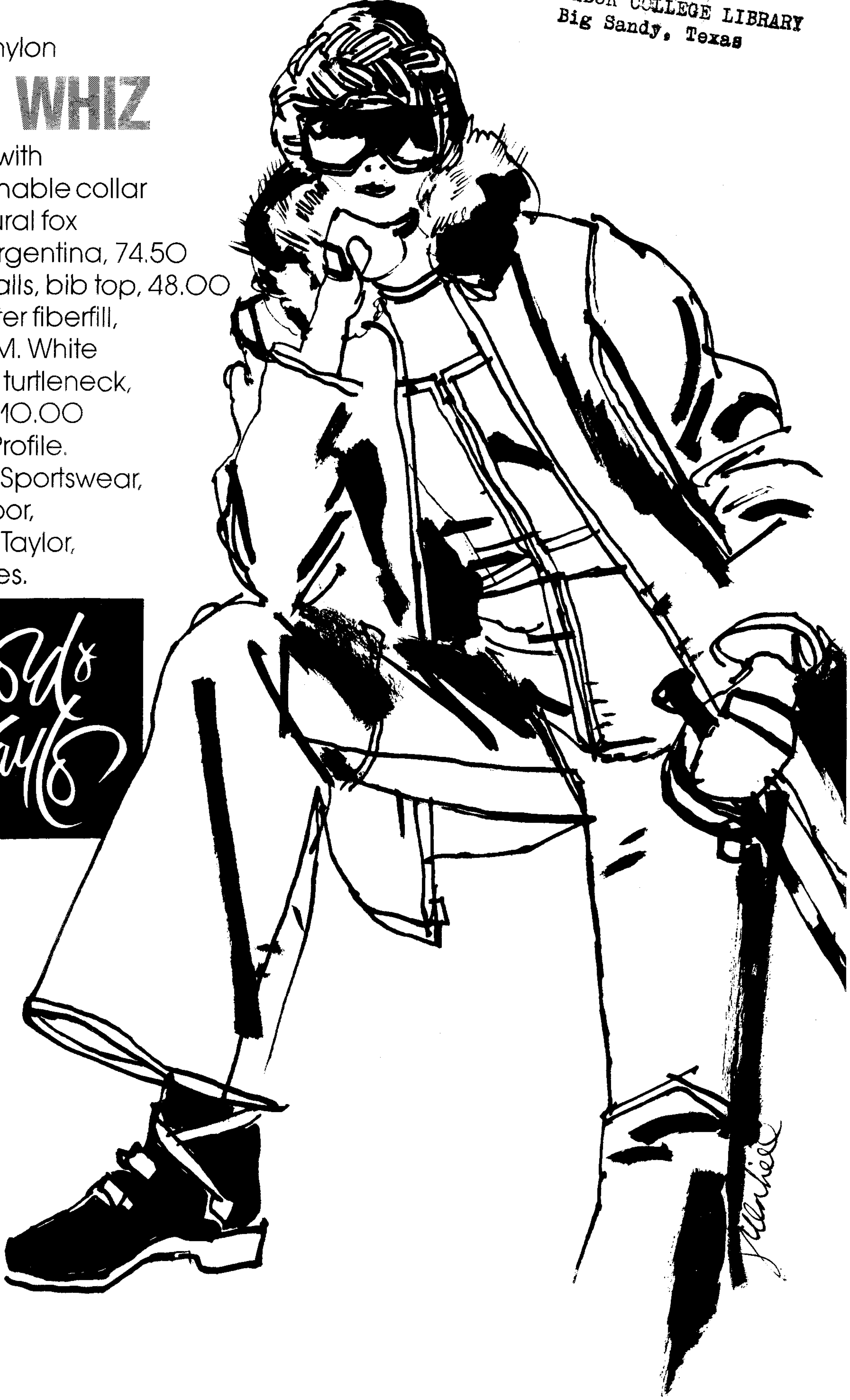

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GOINGS ON ABOUT TOWN

A CONSCIENTIOUS CALENDAR OF EVENTS OF INTEREST

THE THEATRE

PLAYS AND MUSICALS

The Acting Company—Final performances of Chekhov's **THE THREE SISTERS.** (Harkness, Broadway at 63rd St. 581-6000. Nightly at 8. Matinées Wednesday and Saturday at 2. Closes Saturday, Nov. 8.)

Ah, Wilderness!—A well-nigh perfect revival of the O'Neill comedy, by the Long Wharf Theatre company, of New Haven. With William Swetland, Geraldine Fitzgerald, Teresa Wright, and John Braden, and directed by Arvin Brown. (Circle in the Square, Broadway at 50th St. 581-0720. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3. Closes Sunday, Nov. 23.)

And So to Bed—A comedy by J. B. Fagan, directed by Eugenie Leontovich. Opens Wednesday, Nov. 5. (Stage 73, 321 E. 73rd St. 249-9214. Opening-night curtain at 6:45; thereafter, Tuesdays through Fridays at 8; Saturdays at 7 and 10:30; and Sundays at 7:30. Matinées Sundays at 3.)

Boy Meets Boy—As described. This musical, with the indicated twist, is a foolish takeoff, by a pair of Englishmen—Bill Solly, score and lyrics, and Donald Ward and Mr. Solly, book—on foolish musicals of the thirties (British musicals, presumably; surely not those of our own Golden Age). The performances are no help, but Mr. Solly's songs are agreeable. (Actors Playhouse, 100 Seventh Ave. S., at Sheridan Sq. 242-9657. Mondays and Wednesdays through Fridays, at 8; Saturdays at 7:30 and 10:30; and Sundays at 8. Matinées Sundays at 3.)

Chicago—A musical that has nothing to do with its name and that intermittently comes to life, thanks to Gwen Verdon, Chita Rivera, and Jerry Orbach. Bob Fosse directed and choreographed. (46th Street Theatre, 226 W. 46th St. 246-4271. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

A Chorus Line—A group of young dancers audition for a handful of chorus jobs in a show not yet in rehearsal, and by the time the evening is over we know everything about all of them. A brilliant, innovative musical, conceived, choreographed, and directed by Michael Bennett. Score by Marvin Hamlisch, lyrics by Edward Kleban, book by James Kirkwood and Nicholas Dante, setting by Robin Wagner, costumes by Theoni V. Aldredge, and lighting by Tharon Musser. (Shubert, 225 W. 44th St. 246-5990. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Christy—A musical based on Synge's "Playboy of the Western World," with book and lyrics by Bernie Spiro and music by Lawrence J. Blank. (Bert Wheeler, 250 W. 43rd St. 221-9143. Nightly, except Mondays, at 7:30. Matinées Saturdays and Sundays at 2:30.)

Conversations with an Irish Rascal—This compendium of anecdotes about Brendan Behan, passages from his plays, and songs he might have sung, as belted out by David O. Frazier and a young woman who calls herself Gusti, is as annoying and point-missing as its vulgar title. (Top of the Village Gate, 160 Bleecker St. YU 2-9292. Tuesdays through Fridays at 7:30; Saturdays at 8:15; and Sundays at 7:30. Matinées Saturdays at 5:45 and Sundays at 3.)

The Elephant in the House—A play by Berrilla Kerr. (Circle Repertory Company Theatre, 99 Seventh Ave. S., at Sheridan Sq. 924-7100. Tuesdays through Fridays at 8, and Saturdays at 7 and 10. Matinées Thursdays at 2 and Sundays at 3. Closes Sunday, Nov. 23.)

Equity Library Theatre—The musical **TENDERLOIN,** with a book by Jerome Weidman and George Abbott, music by Jerry Bock, and lyrics by Sheldon Harnick, will be the second in this season's series of eight productions. Preview

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Wednesday, Nov. 5. Opens officially on Thursday, Nov. 6, and will run through Sunday, Nov. 23. (Equity Library Theatre, 103rd St. and Riverside Dr. Nightly, except Mondays, at 8. Matinées Saturdays and Sundays at 2:30. For information about tickets, for which contributions are requested, call 663-2028.)

The Fifth Season—Joseph Buloff and Stan Porter in a musical version (in Yiddish and English) of Sylvia Regan's comedy. Adapted by Luba Kadison, with music and lyrics by Dick Manning. (Eden, 189 Second Ave., at 12th St. 260-5200. Wednesdays and Fridays at 7:30; Saturdays at 8:15; and Sundays at 6. Matinées Wednesdays, Thursdays, Saturdays, and Sundays at 2.)

Gorky—A play with music by Steve Tesich. Season subscribers only. (American Place, 111 W. 46th St. 247-0393. Tuesdays through Saturdays at 8. Matinées Saturdays at 2, Sundays at 3, and Wednesday, Nov. 5, and Thursday, Nov. 13, at 1.)

Hello, Dolly!—Pearl Bailey and Billy Daniels in a six-week return engagement of the Michael Stewart-Jerry Herman musical. Staged by Lucia Victor. Previews Wednesday, Nov. 5. Opens officially on Thursday, Nov. 6, and will run through Sunday, Dec. 14. (Minskoff, 45th St. west of Broadway. 869-0550. Tuesdays through Saturdays at 8; opening-night curtain at 7:15. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Jesse and the Bandit Queen—A two-character play, with Kevin O'Connor and Pamela Payton-Wright. (Public, 425 Lafayette St. 677-6350. Nightly, except Mondays, at 7:30. Matinées Saturdays and Sundays at 3.)

Kennedy's Children—A play by Robert Patrick, imported from London. With Shirley Knight, Kaiulani Lee, Barbara Montgomery, Don Parker, Michael Sacks, and Douglas Travis. Directed by Clive Donner. (Golden, 252 W. 45th St. 246-6740. Tuesdays through Satur-

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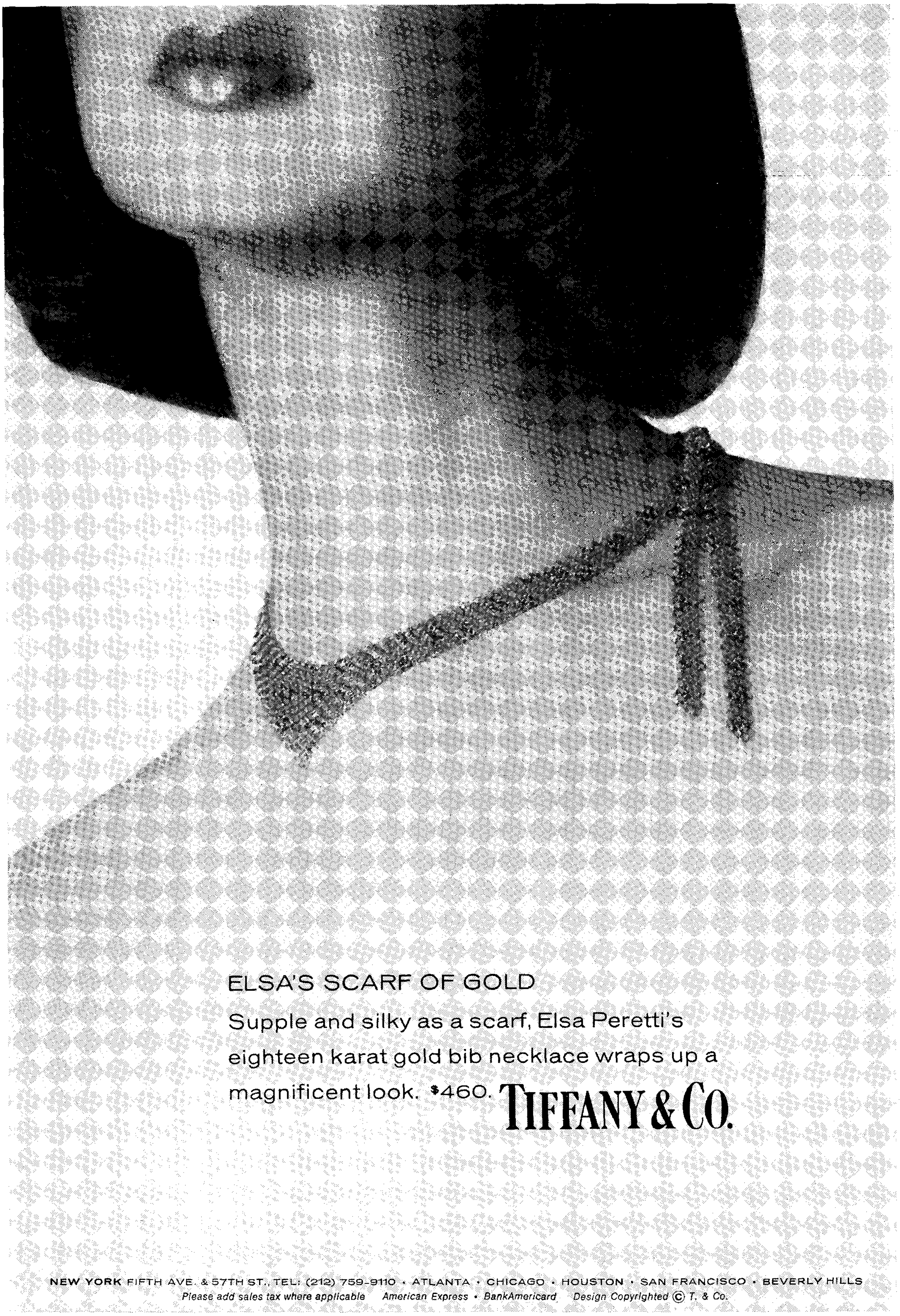

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days, except Thursday, Nov. 6, at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

LAMPPOST REUNION—A comedy by Louis LaRusso II, laid in a bar in New Jersey whose denizens talk as all denizens of all bars talk in all comedies laid in bars. Gabriel Dell and Danny Aiello play their conventional roles with authority. (Little Theatre, 240 W. 44th St. 730-0850. Tuesdays through Saturdays at 8, and Sundays at 7:30. Matinées Saturdays at 2 and Sundays at 3.)

ME AND BESSIE—A vigorous, if eventually disappointing, attempt by the gospel-and-blues singer Linda Hopkins to re-create Bessie Smith by singing a batch of her songs (in the alternating voices of Bessie, Dinah Washington, and Mahalia Jackson), dressing up in cloche hats and feather boas that wear *her*, and giving an esoteric biographical patter. But there are moments, particularly in such numbers as "T'aint Nobody's Bizness If I Do" and "Kitchen Man," when Hopkins' singing and acting synchronize and the great Bessie materializes. The music is played by a capable small group led by Howlett Smith. (Ambassador, 215 W. 49th St. 265-1855. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

A MUSICAL JUBILEE—A potpourri of songs by thirty-five composers, among them Friml, Strauss, Lehár, Kern, Cohan, and Ellington. With Patrice Munsel, John Raitt, Tammy Grimes, Dick Shawn, Cyril Ritchard, Larry Kert, and Lillian Gish. Directed by Morton DaCosta. Previews Wednesday, Nov. 12. Opens officially on Thursday, Nov. 13. (St. James, 246 W. 44th St. 695-5858. Nightly, except Sundays, at 8; opening-night curtain at 7. Matinées Wednesdays and Saturdays at 2.)

SAME TIME, NEXT YEAR—A new playwright named Bernard Slade has invented an Erector set of one-liners that should last a lifetime. With Joyce Van Patten and Conrad Janis, directed by Gene Saks. (Brooks Atkinson, 256 W. 47th St. 245-3430. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

SEXUAL PERVERSITY IN CHICAGO and **DUCK VARIATIONS**—Two splendid one-acters by David Mamet. The first of them deals, in the high-comedy style invented by the Second City, with some rather basic matters; the afterpiece, which will not be performed after Sunday, Nov. 9, is a beautiful, funny conversation about ducks, among many other things, between two old men in a park. The performances of all concerned are fine, and those of Paul Sparer and Michael Egan, as the duck discussers, especially so. Albert Takazauckas was the director. (Theatre at St. Clement's, 423 W. 46th St. CI 6-7277. Thursdays through Sundays and Wednesday, Nov. 5, at 8.)

SUMMER AND SMOKE—A revival of Tennessee Williams' play. (Roundabout Stage One, 333 W. 23rd St. 924-7160. Wednesday through Saturday at 8. Matinées Wednesday, Saturday, and Sunday at 2. Closes Sunday, Nov. 9.)

SUMMER BRAVE—William Inge's reworking of his modest little comedy "Picnic." As usual, such second thoughts provide length but not depth. Alexis Smith is excellent as a schoolteacher fiercely bent upon marriage. (ANTA Theatre, 245 W. 52nd St. 246-6270. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3. Closes Sunday, Nov. 23.)

TRAVESTIES—An enchanting comedy by Tom Stoppard, with John Wood (David Dukes substitutes for him at the Wednesday matinées) starring as a dotty retired English consular officer, who thinks he remembers having known Joyce, Lenin, and Tzara in Zurich during the First World War. Directed by Peter Wood. (Ethel Barrymore, 243 W. 47th St. 246-0390. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

TREEMONISHA—There is one graceful and attractive number in this Scott Joplin "opera," and it's called "A Real Slow Drag." But it comes at the close of the show, which is long and somnolent and has been fattened up with a mini-ballet, a full chorus, expressionistic sets, and lots of razzmatazz stage business. And the wheezy story—how a young educated black woman is chosen to lead her people out of ignorance and superstition—is no help. But the singing, most of it by Carmen Balthrop (Kathleen Battle substitutes for her at the matinées), Betty Allen, Curtis Rayam, and Willard White, is very good, and Gunther Schuller's orchestrations have resonance. (Palace, Broadway at 47th St. 757-2626. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

TRELAWNY OF THE 'WELLS'—The turn-of-the-century Pinero melodrama is supposed to be heartwarming and is certainly mind-cooling. A misbegotten production, saved from disaster by Marybeth Hurt in the title role. (Vivian Beaumont, 150 W. 65th St. 362-7616. Nightly, except Mondays, at 8. Matinées Saturdays, Sundays, and Wednesday, Nov. 12, at 2:30. Closes Sunday, Nov. 23.)

THE TRIP BACK DOWN—A racing-car driver, fed up with his career, returns to the wife and child he left eight years before, hoping to pick up the pieces. The theme is an old one, but John Bishop, the dramatist, and the actors, under Terry Schreiber's direction, make it seem fresh and absorbing. This little Off Off Broadway house seats only fifty people. (T. Schreiber Studio, 386 Third Ave., at 28th St. 874-7509. Wednesdays and Thursdays at 7:30; Fridays at 8; Saturdays at 7 and 10; and Sundays at 7. Closes Sunday, Nov. 16.)

YENTL—A play about Jews in the Old Country long ago, based on a story by Isaac Bashevis Singer. Tovah Feldshuh plays the part of a bright and pretty girl masquerading successfully as a husband—but no way! (Eugene O'Neill, 230 W. 49th St. 246-0220. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

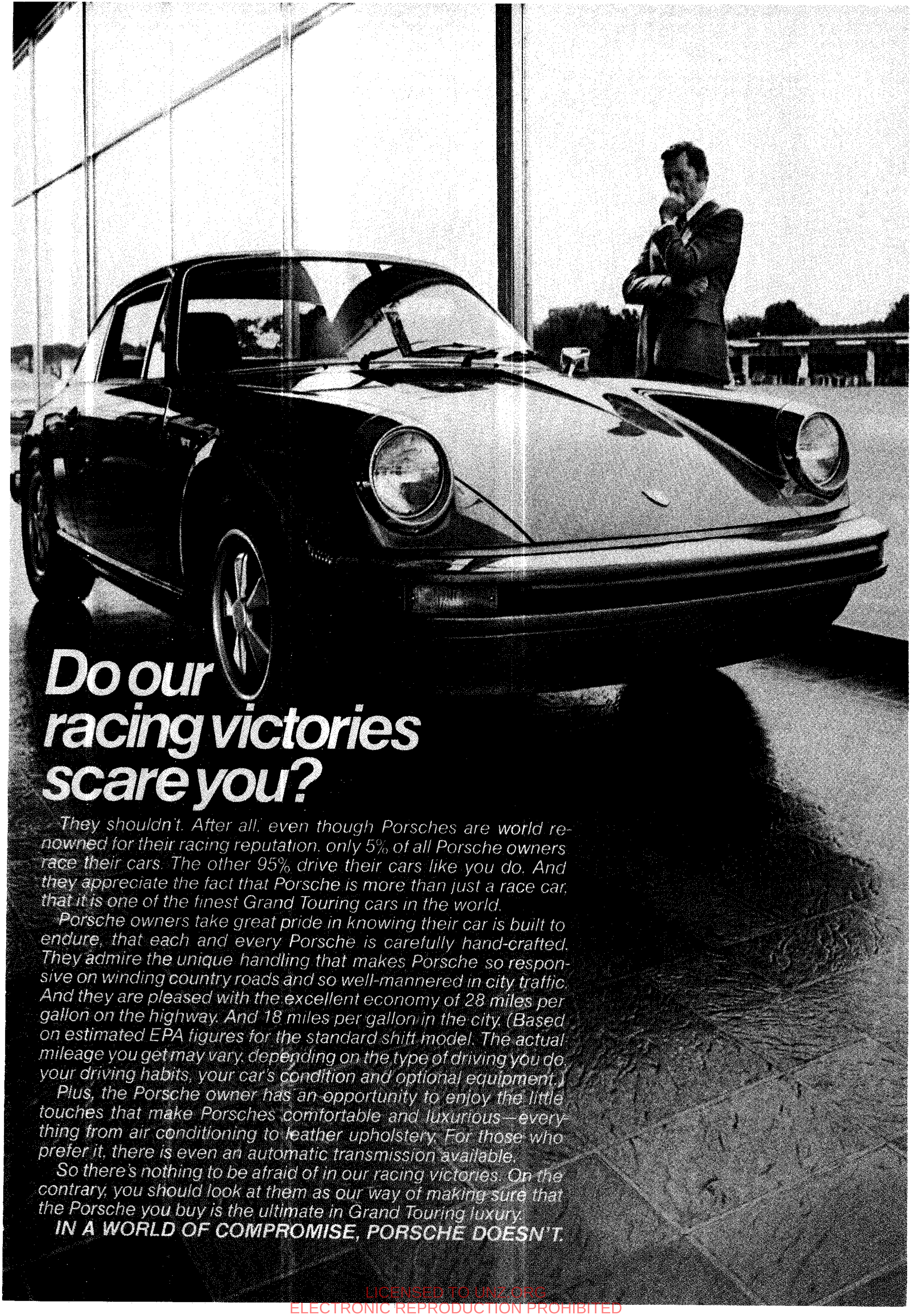
LONG RUNS—**ABSURD PERSON SINGULAR:** Three neatly linked and extremely funny comedies by the English playwright Alan Ayckbourn. With Geraldine Page, Carol Lynley (starting Wednesday, Nov. 12, Sandy Dennis returns to her original role), Scott McKay, Dalton Dearborn, Marilyn Clark, and Curt Dawson. (Music Box, 239 W. 45th St. 246-4636. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)... **CANDIDE:** A triumphant version of the once doomed Bernstein-Wilbur-Voltaire musical. Voltaire still comes out last, but it doesn't matter. (Broadway Theatre, Broadway at 53rd St. 247-7992. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)... **DANCE WITH ME:** A musical mingling of real life and fantasy at a subway stop in Manhattan. Written by Greg Antonacci, and played by members of a young and lively group that calls itself the La Mama Plexus Company. (Mayfair, 235 W. 46th St. 391-0063. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)... **EQUUS:** Peter Shaffer's continuously exciting melodrama about a boy who mutilates six horses in the very act of worshipping them. With Anthony Perkins and Thomas Hulce, directed by John Dexter. (Plymouth, 236 W. 45th St. 246-9156. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)... **THE FANTASTICKS:** 6,465 performances so far. (Sullivan Street Playhouse, 181 Sullivan St., at Bleecker St. 674-3838. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.)... **GODSPELL:** A musical adaptation of the Book of Matthew, and once a numbing prologue is over, it becomes a joyful celebration of theatre itself. Songs by Stephen Schwartz. (Promenade, 2162 Broadway, at 76th St. 799-7690. Tuesdays, Thursdays, and Fridays at 7:30, and Saturdays at 6 and 9. Matinées Wednesdays at 2:30 and Sundays at 2 and 5.)... **GREASE:** A musical (score, book, and lyrics by Jim Jacobs and Warren Casey) that parodies, by faithful imitation, the songs and dances of the nineteen-fifties. The young cast performs capably and with spirit. (Royale, 242 W. 45th St. 245-5760. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)... **THE HOT L BALTIMORE:** Lanford Wilson's play about the assorted seedy residents of a once good hotel, now shabby and threatened by bulldozers, is synthetic and sugary, but it is quite entertaining, too. (Circle in the Square, 159 Bleecker St. 254-6330. Tuesdays through Thursdays at 8; Fridays at 8:30; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.)... **THE MAGIC SHOW:** A wretched musical, but the magic tricks by Doug Henning make up for it all. (Cort, 138 W. 48th St. 489-6392. Wednesdays through Saturdays at 7:30. Matinées Wednesdays and Saturdays at 2, and Sundays at 2 and 5.)... **PIPPIN:** A big but skimpy musical that the director and choreographer Bob Fosse has turned into his very own "War and Peace," with everything but a yacht race. Eric Berry and Michael Rupert play Charlemagne and his son. (Imperial, 249 W. 45th St. 265-2412. Nightly, except Sundays, at 7:30. Matinées Wednesdays and Saturdays at 2.)... **RAISIN:** A jaunty and heartwarming musical has been made out of Lorraine Hansberry's old-fashioned play about a black Chicago family on its way to white-middle-class mediocrity. Directed and choreographed by Donald McKayle. (Lunt-Fontanne, 205 W. 46th St. 586-5555. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)... **THE RITZ:** Terrence McNally's ingenious farce about the travails of a frightened heterosexual garbage collector in a homosexual bathhouse. With Stubby Kaye, June Gable, and Mike Kellin. (Longacre, 220 W. 48th St. 246-5639. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)... **SHENANDOAH:** Even thirty years ago, this would have been an old-fashioned musical. The star is John Cullum, who sings his dull songs beautifully. (Alvin, 250 W. 52nd St. 757-8646. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)... **SHERLOCK HOLMES:** A bright revival, under Frank Dunlop's direction, of the William Gillette classic. Robert Stephens is the great, ice-cold ratiocinator. (Broadhurst, 235 W. 44th St. 246-6699. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3. Closes Sunday, Nov. 30.) ... **THE WIZ:** An all-black production of a musical version of "The Wizard of Oz," with gorgeous scenery and costumes, tiresome music, and several first-rate performances. (Majestic, 245 W. 44th St. 246-0730. Tuesdays through Saturdays at 7:30. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

DANCE

NEW YORK CITY BALLET—Opening performances (tentative schedule) of an engagement that will run through Sunday, Feb. 15—Tuesday, Nov. 11, at 8: "Danses Concertantes," "Four Temperaments," "Pas de Deux," and "Piano Concerto in G Major."... ¶ Wednesday, Nov. 12, at 8: "Scotch Symphony," "Chansons Madécasses," "Pas de Deux," and "Tchaikovsky Suite No. 3."... ¶ Thursday, Nov. 13, at 8: "Donizetti Variations," "Symphony in Three Movements," and "Brahms-Schoenberg Quartet."... ¶ Friday, Nov. 14, at 8: "Danses Concertantes," "Chansons Madécasses," "Symphony in Three Movements," and "Scotch Symphony."... ¶ Saturday, Nov. 15, at 2: "Danses Concertantes," "Four Temperaments," and "Brahms-Schoenberg Quartet." ... ¶ Saturday, Nov. 15, at 8: "Jewels." (New York State Theatre, Lincoln Center. TR 7-4727.)

AMERICAN BALLET THEATRE—First of two appearances this season, this one of two weeks. The entire engagement is being given over to Rudolf Nureyev's version of "Raymonda," with various casts. (Uris, 51st St. west of Broadway. 586-6510. Tuesdays through Sundays at 8. Matinées Saturdays and Sundays at 2. Closes Sunday, Nov. 16.)

ELIOT FELD BALLET—Wednesday evening, Nov. 5: "Excursions," "Mazurka," and "The Consort."... ¶ Thursday evening, Nov. 6: "Harbinger," "Early Songs," and "The Consort." ... ¶ Friday evening, Nov. 7: "Mazurka," "At Midnight," and "The Real McCoy."... ¶ Saturday evening, Nov. 8: "Excursions," "The Consort," and "Mazurka."... ¶ Sunday matinée, Nov. 9: "The Consort," "Early



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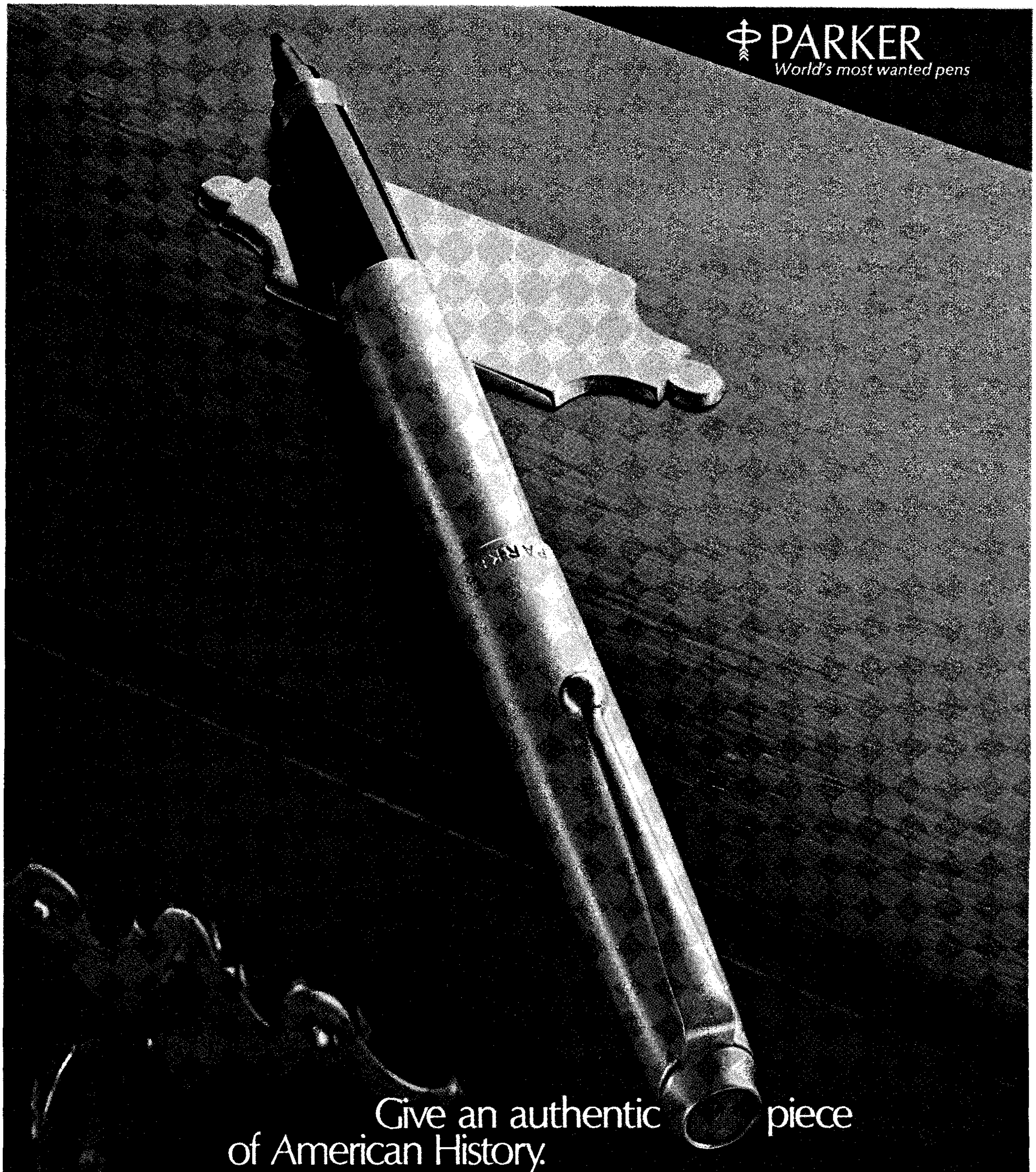

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Songs," and "The Real McCoy."... ¶ Sunday evening, Nov. 9: "Excursions," "Tzaddik," "At Midnight," and "Intermezzo."... ¶ Tuesday evening, Nov. 11: "Harbinger," "Sephardic Song," "Cortège Parisien," and "The Consort."... ¶ Wednesday evening, Nov. 12: "The Consort," "Excursions," "Tzaddik," and "Intermezzo."... ¶ Thursday evening, Nov. 13: "The Consort," "The Real McCoy," and "Mazurka."... ¶ Friday evening, Nov. 14: "Sephardic Song," "At Midnight," "Intermezzo," and "Excursions."... ¶ Saturday evening, Nov. 15: "Mazurka," "The Real McCoy," and "Early Songs." (Public Theatre, 425 Lafayette St. 677-6350. Evenings at 8. Matinées at 3. Through Sunday, Nov. 30.)

Pennsylvania Ballet—Friday, Nov. 14, and Sunday, Nov. 16, at 7:30: "Raymonda Variations," "In Retrospect," and "Grosse Fugue" (company première).... ¶ Saturday, Nov. 15, at 8, and Sunday, Nov. 16, at 2: "Symphony in C" (company première) and "Carmina Burana." (Brooklyn Academy of Music, 30 Lafayette Ave. 636-4100.)

Dance Umbrella at Roundabout Stage One—Opening performances of a four-week season by five contemporary dance companies that will end Sunday, Dec. 7. The **VIOLA FARBER DANCE COMPANY** will perform from Wednesday through Sunday, Nov. 12-16. (Roundabout Stage One, 333 W. 23rd St. 924-7160. Nightly, except Mondays, at 8; opening night curtain at 7. Matinées Sundays at 2.)

NIGHT LIFE

(A highly arbitrary listing, in which bold-face type is used to pick out a few of the more notable performers in town.)

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Cookery, 21 University Pl., at 8th St. (OR 4-4450)—No three singers are alike. Billie Holiday *possessed* her songs, and the finished product belonged more to her than to the composer. Ella Fitzgerald upholsters hers in chintz and gingham. They're pillowy and easy to lean on. But **MAXINE SULLIVAN**, who has seven years on Fitzgerald and four on Holiday, serves hers on Canton with Stiegel goblets and Paul Revere flatware. Her songs are elegant, cool, shadowless, and exact. They are to be sipped. All is as it used to be: the small, slightly grainy voice; the teacup vibrato; her single register (the middle one); and her classy, glassy diction. She is built like a walking stick now, and her big gray Afro and long, sharp, delicate nose are balanced by her microphone hand, which is a birdcage of bones. She got through her first set on opening night without being asked once for "Loch Lomond," which must weigh a ton to her, but she did "A Hundred Years from Today," "Wrap Your Troubles in Dreams," "As Long As I Live," "They All Laughed," "The Lady Is a Tramp," and a nice self-portrait called "Harlem Butterfly." Her accompanists are Chuck Folds (piano) and Morris Edwards (bass). She will be here, on Sunday nights only, through November 16th.... ¶ The decades go by, but **MARY LOU WILLIAMS'** playing—with its startling, steely single-note lines; tight, almost harsh choral passages; and flashing, exploratory rhythmic sense—continues to surprise and delight and instruct. Her accompanist is bassist Brian Torff. Mondays through Saturdays from eight to one. Dining.

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Bottom Line, 15 W. 4th St., at Mercer St. (228-6300)—Over thirty years ago, **MUDDY WATERS** arrived in Chicago and began playing on an electric guitar the rural blues he learned in the Delta from Son House. The resulting product, Chicago blues, hasn't changed much since then. For its devotees (many of whom are young, white, and affluent), Chicago blues—with its simple, inevitable chord changes, its significant, rough-hewn lyrics, its crucial, almost Buxtehudian harmonica passages, and, perhaps most of all, its real-life, dues-shackled spokesmen (Waters, Howlin' Wolf, Sonny Boy Williamson)—is a reassuring constant. Waters was here with his latest band (he has a harmonica player named Portnoy) in June, and he sounded better than he has in a long time. He'll begin a four-night appearance on Wednesday, Nov. 12, opposite former Joy of Cooking singer and guitarist Terry Garthwaite. The Tubes, twenty or so San Francisco-based far-out rock parodists—musicians, dancers, singers, actors—perform Thursday through Sunday, Nov. 6-9. Their material ranges from a takeoff of Tom Jones' Las Vegas act to a study of unrestrained English rock superstardom, which concentrates on a fictional lead singer named Quay Lewd. On Monday and Tuesday, Nov. 10-11, David Bromberg, a folk-rock humorist and a fancy picker, will work out a musical mish-mash of country, bluegrass, jazz, and blues with his band. Shows Sundays through Thursdays at eight-thirty and eleven-thirty; Fridays and Saturdays at nine and midnight. Dinner.

Bradley's, 70 University Pl., at 11th St. (228-6440)—This agreeable but occasionally hectic little bar presents pianist **JIMMY ROWLES** and bassist Bill Takas Mondays through Saturdays. Barry Harris has charge of the keyboard on Sundays. Music after nine-thirty. Dinner.

Buddy's Place, 133 W. 33rd St. (736-2888)—**LIONEL HAMPTON**, as frisky as ever, darts from vibraphone to drums to piano, conducts an orchestra, and contributes a vocal or two; through Saturday, Nov. 8. On Monday, Nov. 10, composer-pianist Michel Legrand, the Gallic Henry Mancini, will arrive to sing and play with a small supporting band. Mondays through Thursdays at nine and eleven-thirty, and Fridays and Saturdays at nine and midnight. Supper. Closed Sundays.

Carlyle Hotel, Madison Ave. at 76th St. (RH 4-1600)—**BOBBY SHORT** and his loyal accomplice, bassist Beverly Peer, perform in the Café Carlyle Tuesdays through Thursdays at ten and midnight, and Fridays and Saturdays at nine-forty-five, eleven-fifteen, and one. Dinner and supper.... **MARIAN MCPARTLAND**, all fire and brilliance, is once again playing in the Bemelmans Bar, Mondays through Saturdays from nine, and Madison Avenue is the brighter for it.

Eddie Condon's, 144 W. 54th St. (265-8277)—The third version, and an attractive one. The house band, which begins after nine, is made up of Ed Polcer, Dick Rath, Herbie Hall, John Bunch, Red Balaban (a bassist and the owner of the club), and Connie Kay. On Tuesday, Nov. 11, a couple of guys who've been around for a few years—guitarist Al Casey and trumpeter Doc Cheatham—will sit in with the regulars. Jim Andrews mans the piano, starting most nights at five-thirty, and alternates with the sextet from nine-thirty. On Sunday, Nov. 9, **JIMMY GIUFFRE**, on tenor saxophone, flute, and bass flute, will lead a quartet through some of his pieces, beginning at eight. The last time he appeared locally with his group (at the Tin Palace, in February), he performed sections from his "Western Suite" and some newer compositions—"Tibetan Sun," "The Chanting," and "Om," the last of which called for audience participation (everyone was asked to ommmm with the bass). Snacks.

Five Spot, 2 St. Marks Pl., just east of Third Ave. (730-9270)—On Sunday, Nov. 9, **REVOLUTIONARY ENSEMBLE**, a trio comprising violinist Leroy Jenkins, bassist Sirone, and percussionist Jerome Cooper, brings to a close a week of occasionally intense and rewarding moments, lots of self-indulgent silences, and a lengthy succession of jangling cowbells, stabbing piano chords, toots on a pocket trumpet, on a recorder, and on a wooden flute, a single harmonica chord, the whines of a bowed saw (probably a crosscut), clacking *claves*, and very little foot-tapping. On Tuesday, Nov. 11, **ART BLAKEY** will bring in the latest edition of his quintet, the **JAZZ MESSENGERS**. On Mondays: **DAVE MATTHEWS'** twelve-piece band, made up of studio musicians who range from their twenties to their forties. The music begins after ten. Chinese and American food.

Gregory's, 1149 First Ave., at 63rd St. (371-2220)—An up-to-date version of the neighborhood pub. Twenty-three-year-old stride stylist and Ellington fancier **BROOKS KERR** works with and learns from drummer **SONNY GREER**, who began his relationship with Ellington in 1919, and saxophonist **RUSSELL PROCOPE**, who joined the Ellington reed section in 1945. Wednesdays through Sundays from nine-thirty to three. Mondays and Tuesdays from ten to three, pianist Hal Galper heads up a trio. On Sundays, pianist **AL HAIG**, guitarist Eddie Diehl, and bassist Jamil Nasser get together to play some fresh, exceedingly lyrical and blues-riddled renditions of bop and post-bop numbers from five-thirty to nine-thirty.

Jimmy Ryan's, 154 W. 54th St. (CO 5-9505)—Max Kaminsky will be soloing with the resident traditional sextet until **ROY ELDRIDGE** returns from touring on Tuesday, Nov. 11. Music from nine-thirty to three. On Sundays, Kaminsky takes charge of another group of musical archivists from eight until two.

Jim Smith's Village Corner, 142 Bleecker St., at LaGuardia Pl. (473-9762)—A cheerful bar on one of the corners where the Village meets N.Y.U.'s academic industrial park. Lance Hayward plays nightly, except Wednesdays, and is joined on Sundays by singer Jane Valentine. Jim Roberts is the Wednesday-night pianist. Live sounds from nine-thirty to three.

Michael's Pub, 211 E. 55th St. (758-2272)—Pianist and composer Joe Bushkin is joined by guitarist Chuck Wayne, bassist Milt Hinton, and drummer Mousey Alexander Tuesdays through Saturdays from nine-fifteen to one. On Mondays, from nine-thirty to midnight, Woody Allen comes and goes, talking of Lorenzo Tio. Dinner and supper. Closed Sundays.

Mikell's, 760 Columbus Ave., at 97th St. (864-8832)—**ART BLAKEY AND THE JAZZ MESSENGERS** deliver some straight-ahead, mainstream missiles from the canopied bandstand Thursday through Sunday, Nov. 6-9. Wily drummer **CHICO HAMILTON** and his quintet begin performing Thursday, Nov. 13. Music from ten until three. Dinner.

Other End, 149 Bleecker St. (673-7030)—The

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tables and chairs of these revamped quarters are infinitely more comfortable than the benches and pews of the old Bitter End, especially if one must sit through a long, boring opening act—or, for that matter (though fortunately more rarely), a long, boring headline act. Mirabai, a young singer and guitarist, heads the bill through Sunday, Nov. 9, and Johnny Rivers, a West Coast rock-and-roller for at least a decade, will take over beginning Thursday, Nov. 13. Shows begin after nine and eleven-thirty.

RAINBOW ROOM, 30 Rockefeller Plaza. (PL 7-9090)—**JONAH JONES** has put together a sextet made up of a pianist, an organist, a bassist, an exceptional guitarist (Jerome Darr), and a masterly drummer (Cozy Cole). Tuesdays through Thursdays from seven to one; Fridays and Saturdays from eight to two; and Sundays from six to midnight. Dining and dancing.

RENO SWEENEY, 126 W. 13th St. (691-0900)—Louis St. Louis, the musical conductor of "Grease," is here for a couple of weeks with a quartet. Soul and gospel singer Gerri Griffin alternates with the St. Louis group through Sunday, Nov. 9, and Ilene Graff will share the bill during the week of Tuesday, Nov. 11. Shows at nine and midnight. Mondays are showcases for new talent. Dining.

ST. REGIS ROOM, in the St. Regis-Sheraton, Fifth Ave. at 55th St. (PL 3-4500)—**MABEL MERCER** is back, and everything is just right—the voice (despite its ups and downs), the phrasing, the wonderful songs, and her regal good looks. Jimmy Lyon's accompaniment is calm and fatherly. At ten and midnight, Tuesdays through Saturdays.

STRYKER'S, 103 W. 86th St., at Columbus Ave. (874-8754)—A small, clean-cut bar where all is flux: **LEE KONITZ** heads a stirring, free-bop, nine-piece stand-up (the only way they'll all fit in the room) band on Wednesday and Thursday, Nov. 5-6. Sundays, guitarist **JOE PUMA** and his long-standing partner, **CHUCK WAYNE,** exchange lobbing, single-string, underspinning, and chordal solos. Music from nine-thirty most nights; Sundays from nine.

SWEET BASIL, 88 Seventh Ave. S., at Bleecker St. (242-1785)—A popular restaurant so heavily patronized that it is no longer the airy, uncluttered haven it was a year ago, when it opened. The acoustically perfect music corner is occupied by talented piano-bass-guitar trios: Mike Abene, Michael Moore, and Mike Gary through Sunday, Nov. 9; and Mike Nock, Rick Laird, and John Abercrombie beginning Wednesday, Nov. 12. Music from nine on Wednesdays, Thursdays, and Sundays, and from ten on Fridays and Saturdays.

TANGERINE, 1057 Lexington Ave., at 75th St. (861-2521)—**ELLIS LARKINS** has landed in this bar-and-grill that echoes the thirties and forties, and is wheeling out his feathered and bejewelled Art Tatum ruminations on an in-tune upright. The excellent Wilbur Little is on bass. Be advised that though Larkins' playing is mighty his sets are mini. Tuesdays through Saturdays from ten until three. Singer and pianist Norma Shepherd performs with bassist John Williams on Sundays and Mondays.

TIN PALACE, 325 Bowery, at 2nd St. (674-0566)—None of the music here is slick, but most of it is first-rate: **CAKEWALK,** a fledgling, romping, and stomping R. & B. quintet, works out Wednesday, Nov. 5, and Tuesday and Wednesday, Nov. 11-12. Friday and Saturday, Nov. 7-8, are turned over to alto saxophonist Richy Cole and **EDDIE JEFFERSON,** who scats along with Cole's quartet. Vocalist Sheila Jordan sings with drummer Randy Kay's quartet on Thursday, Nov. 13. Music from ten-thirty. Dinner.

VILLAGE VANGUARD, 178 Seventh Ave. S., at 11th St. (989-9011)—Smoky, stuffy, and cramped, this illustrious basement institution continues to attract sizable audiences, who come to hear some of the best jazzmen in the world. **JOE HENDERSON,** a fine tenor saxophonist and composer, finishes up with his quartet on Sunday, Nov. 9. On Tuesday, Nov. 11, pianist Ahmad Jamal, who once estimated he has played "Poinciana" about a hundred thousand times, will descend the staircase with his trio. Mondays, pianist, composer, and sage **GIL EVANS** sits at an electric piano in the thick of his youthful, up-to-date big band. Music from ten.

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WALDORF-ASTORIA, Park Ave. at 49th St. (EL 5-3000)—In the Empire Room, there is a quasi-Broadway show, "Mirrors," which has a number of production and price flaws but also has **PEGGY LEE.** Over the years, she has beat fad and fashion and kept her image and voice, and, except for a few labored moments, she is a superb performer. Shows Wednesday and Thursday, Nov. 5-6, at eight-thirty and eleven-thirty, and Friday and Saturday, Nov. 7-8, at nine and midnight. Dancing on the head of a pin.

WEST BOONDOCK, 114 Tenth Ave., at 17th St. (924-9723)—Convenient to a New York City truck route but not much else, this bar has red Afro-psychedelic walls, hundreds of gold Christmas-tree ornaments hanging from the ceiling, and a tiny (about five by ten feet) soul-food kitchen. Other assets include sturdy, animated piano-bass duos which hold forth every night from eight until two.

WEST END CAFÉ, 2911 Broadway, at 113th St. (666-8750)—A wood-and-brick-walled retreat primarily patronized by Columbia students, who seek out neither folk nor rock nor glitter. It is jazz—and somewhat old-fashioned jazz at that. Mondays and Tuesdays, trumpeter Franc Williams, Eddie Durham on trombone and electric guitar, pianist Ram Ramirez, and drummer Shelton Gary take the stand. Wednesdays, onetime Basie saxophonist Earle Warren pilots a quartet—drummer Oliver Jackson, trumpeter Taft Jordan, and pianist Dill Jones—known as the Warren Court. Thursdays and Fridays are turned over to five bop-oriented musicians, and Saturdays and Sundays to a combo involving Buddy Tate, Sammy Price, and Paul Quinichette. Music from nine to one.

WILLY'S, 7 W. 8th St. (260-0400)—Formerly a branch of the be-sausaged deli-restaurant chain known as the Smokehouse, and still under the same corporate ownership, this startlingly sleek new jazz haunt is outfitted with shag carpeting, wood panelling on the ceiling, and a large, kitschily abstract, brownish piece of stained glass that might have been executed by the Disney studios. The music, which is presented nightly from nine-thirty, consists of small jazz groups. Thursday through Sunday, Nov. 6-9, pianist **JAKI BYARD,** who, in the course of a single set, may duplicate the styles of James P. Johnson, Earl Hines, Bud Powell, and Béla Bartók, or come up with a new one of his own, works with his trusty sidekick, Major Holley, a Slam Stewart-inspired bassist. Dinner.

JAZZ/FOLK/ROCK CONCERTS, PERSONAL APPEARANCES, ETC.

INTERLUDES—A varied series of hour-long performances at Town Hall (JU 2-4536)—Wednesday, Nov. 5, at 5:45: **LILLIAN ROTH.** . . . ¶ Wednesday, Nov. 12, at 5:45: **MARION WILLIAMS.**

HIGHLIGHTS IN JAZZ—"Birdland Revisited," with Buddy DeFranco, Billy Taylor, Howard McGhee, Cecil Payne, Eddie Jefferson, and others. (Eisner and Lubin Auditorium, Loeb Student Center, Washington Sq. S. and LaGuardia Pl. 598-3757. Wednesday, Nov. 5, at 8.)

KINGFISH and **KEITH AND DONNA GODCHAUX BAND**—Beacon Theatre, Broadway at 74th St. 874-1718. Friday, Nov. 7, at 7:30 and 11:30.

HERBIE HANCOCK and **HUGH MASEKELA**—Carnegie Hall. CI 7-7459. Friday, Nov. 7, at 8.

NITTY GRITTY DIRT BAND and **THE VASSAR CLEMENTS BAND**—Avery Fisher Hall. TR 4-2424. Friday, Nov. 7, at 8.

COUNTRY IN NEW YORK—Charley Pride, Gary Stewart, and Dave & Sugar. (Felt Forum, Madison Square Garden, Eighth Ave. between 31st and 33rd Sts. 564-4400. Saturday, Nov. 8, at 7 and 10.)

JESSE COLIN YOUNG and **THE FLYING BURRITO BROTHERS**—Beacon Theatre. Sunday, Nov. 9, at 8.

BONNIE RAITT—With Tom Waits. (Avery Fisher Hall. Sunday, Nov. 9, at 9.)

JACQUES LOUSSIER TRIO—With Richard Morris, organ, in an all-Bach recital, with present-day improvisations. (Carnegie Hall. Tuesday, Nov. 11, at 8.)

MIRIAM MAKEBA and **HUGH MASEKELA**—Avery Fisher Hall. Wednesday, Nov. 12, at 8.

RAINBOW and **ARGENT**—Beacon Theatre. Wednesday, Nov. 12, at 8.

CY COLEMAN—Hunter College Playhouse, Park Ave. at 68th St. 535-5350. Thursday, Nov. 13, at 8.

LITTLE FEAT and **THE SENSATIONAL ALEX HARVEY BAND**—Beacon Theatre. Thursday, Nov. 13, at 8.

NEW RIDERS OF THE PURPLE SAGE—Beacon Theatre. Saturday, Nov. 15, at 8 and 11:30.

ART

(Unless otherwise noted, galleries are open Tuesdays through Saturdays from around 10 or 11 to between 5 and 6.)

GALLERIES—UPTOWN

SAMUEL BAK—The pear is given the surrealist works in these paintings, in which it is presented as a crumbling mountain, a carpentered structure, a pile of masonry, a bursting skin spilling forth smaller pears, and as harboring a man in its heart, like a worm. Through Nov. 29. (Aberbach, 988 Madison Ave., at 77th St.)

ARNOLD BELKIN—Paintings by a Canada-born artist who studied in Mexico and has taken up the torch (and a good deal of the style) of the revolutionary muralists down there; in several updated versions of Rembrandt's "Annual Anatomy Lesson" he substitutes the body of Che Guevara for the corpse being dissected. Through Saturday, Nov. 8. (Lerner-Heller, 789 Madison Ave., at 67th St.)

FREDERICK J. BROWN—People of the night (a jazz musician, a demimondaine, a chorus line) animate these rather lurid abstracts; first one-man show in New York. Through Saturday, Nov. 8. (Goldowsky, 1078 Madison Ave., at 81st St.)

ALEXANDER CALDER—Fifteen new hanging mobiles in his characteristically bright colors (except for one surprise, in solid white), plus a series of gouaches on circus themes. Through Saturday, Nov. 15. (Perls, 1016 Madison Ave., at 78th St.)

ALAN DAVIE—A carnival atmosphere pervades these large abstracts done in the fifties and sixties. Through Thursday, Nov. 13. (Gimpel, 1040 Madison Ave., at 79th St.)

OLGA DE AMARAL—Appealing assemblages of raw fibres, some painted, others natural colored, set in Plexiglas boxes. Through Saturday, Nov. 15. (Artweave, 924 Madison Ave., at 73rd St.)

WILLEM DE KOONING—A swirl of oil paintings completed in the last year, and five bronze sculptures. Through Dec. 6. (Fourcade-Droll, 36 E. 75th St.)

STEPHEN EDLICH—Collage paintings made of scraps from linen and burlap coffee bags, and rope. Through Dec. 6. (Gruenebaum, 25 E. 77th St.)

ALEXANDRA EXTER (1882-1949)—Marionettes with a strong Cubist accent which were made by the famous Russian designer in 1926 for a Punch-and-Judy movie. Through Jan. 17. (Hutton, 967 Madison Ave., at 76th St.)

VINCENT GLINSKY (1895-1975)—More than sixty sculptures (predominantly human forms) in stone, bronze, terra-cotta, and other materials. Through Wednesday, Nov. 12. (Sculpture Center, 167 E. 69th St.)

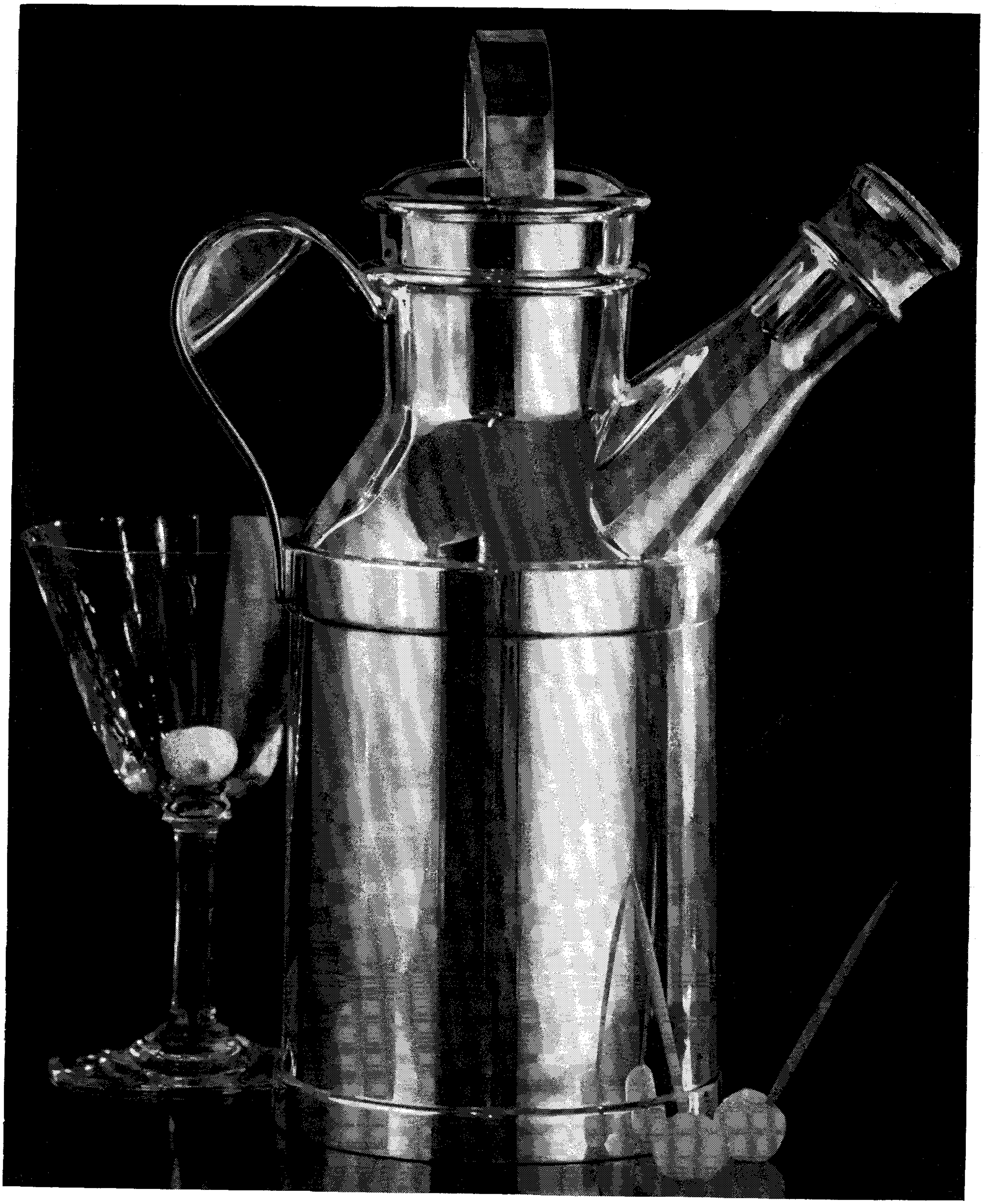
JOHN GRILLO—Boldly simplified forms and hot yellows and oranges characterize the small new works of this landscapist. Through Thursday, Nov. 13. (Borgenicht, 1018 Madison Ave., at 79th St.)

DIANA GUEST—Carved-stone sculptures of birds, animals, and insects; first solo show in New York. Through Saturday, Nov. 8. (Bodley, 1063 Madison Ave., at 80th St.)

JOHN HARTELL—Soft-colored geometric landscapes in which deep, Moorish-looking archways are often prominent. Through Saturday, Nov. 8. (Kraushaar, 1055 Madison Ave., at 80th St.)

MARSDEN HARTLEY (1877-1943)—A small group of paintings done in his last thirty years by this pioneer American modernist. Through Saturday, Nov. 15. (Babcock, 805 Madison Ave., at 68th St.)

HANS HARTUNG—Paintings, including a group executed in the last two years, by an artist



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GOINGS ON ABOUT TOWN

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now seventy, in a show that coincides with one at the Metropolitan Museum. Through Dec. 13. (Lefebre, 47 E. 77th St.)

Rockwell Kent (1882-1971)—Drawings and paintings. Through Nov. 29. (Larcada, 23 E. 67th St. Open Mondays.)

Ernst Ludwig Kirchner (1880-1938)—Paintings, drawings, and graphics by a founding member of the German Expressionist school. Through Dec. 31. (Sabarsky, 987 Madison Ave., at 77th St.)

Pat Mainardi—Realist views of automobile junkyards, which seem to attract artists now the way ruined castles did a few generations ago. Through Saturday, Nov. 15. (Ingber, 3 E. 78th St.)

Marino Marini—Paintings, sculptures, and graphics. Through Nov. 29. (Weintraub, 992 Madison Ave., at 77th St.)

Knox Martin—Brisk drawings, some abstract, some realist, some black-and-white, and some in color. Through Saturday, Nov. 15. (Jankovsky, 33 E. 74th St.)

Richard McDermott Miller—Bronze and wax sculptures of the female figure. Through Nov. 29. (Washburn, 820 Madison Ave., at 68th St.)

Grégoire Müller—Paintings by a former critic and arts-magazine editor—large, sombre, figurative works that crowd the canvas; first one-man show in New York. Through Friday, Nov. 7. (Deitcher, in a new location, at 35 E. 67th St.)

Howard Newman—Sleek abstract bronze sculptures that incorporate elements of both man and machine, and schematic drawings for them; first one-man show in New York. Through Saturday, Nov. 15. (Cordier & Ekstrom, 980 Madison Ave., at 76th St.)

William Pettet—Large abstract acrylic paintings, most of which have a curiously crackled texture. Through Nov. 22. (Willard, 29 E. 72nd St.)

Joseph Piccillo—Figurative drawings, seven of them on six-foot canvases. Through Nov. 22. (Krasner, 1043 Madison Ave., at 80th St.)

Ogden Pleissner / Electra Bostwick—Paintings (mainly watercolors) of boats, beaches, and other outdoor subjects. / Flowers and landscapes by an artist who works primarily in pastels. Through Nov. 29. (Hirschl & Adler, 21 E. 67th St.)

George Price—Drawings covering forty years of the slaphappy misfits created by this comic artist. Through Nov. 22. (Nicholls, 1014 Madison Ave., at 78th St. Tuesdays through Saturdays, noon to 5:30.)

Albert Stadler—Abstract color drawings with a calligraphic quality. Through Nov. 22. (Poindexter, 24 E. 84th St.)

Hedda Sterne—Portraits of art-world friends and associates (Harold Rosenberg and Saul Steinberg, for instance) done over the years in this artist's highly personal style. Through Saturday, Nov. 8. (Ault, 25 E. 77th St.)... ¶ Drawings of flowers. Through Saturday, Nov. 8. (Parsons, 24 W. 57th St.)

Max Weber (1881-1961)—Paintings, drawings, sculptures, and graphics covering all his periods. Through Friday, Nov. 14. (Forum, 1018 Madison Ave., at 79th St.)

Group Shows—At the **ACQUAVELLA**, 18 E. 79th St.: Joan Miró, Anthony Caro, and Kenneth Noland are among the contemporary artists whose paintings and sculptures are exhibited. Through Dec. 3. (Open Mondays.)... **ALONZO**, 26 E. 63rd St.: Brenda Corbin, Golda Lewis, Shirley Penman, and Jan McCartin are four artists represented in a show of works in a variety of mediums exclusively by women. Through Nov. 29.... **CENTER FOR INTER-AMERICAN RELATIONS**, 680 Park Ave., at 68th St.: An exhibit (entrance fee $1) of ancient Ecuadorian pottery on loan from public and private collections. Through Sunday, Nov. 9. (Daily, noon to 6.)... **DINTENFASS**, 18 E. 67th St.: Sheeler, Demuth, and Dickinson were among the first painters to discern beauty in industrial forms—and see grist for their own mills in the shapes of turbines, ventilators, smokestacks, etc.—and pioneer work in that field by these and several other artists is the theme of this exhibit. Through Nov. 29.... **SAIDENBERG**, 16 E. 79th St.: Paintings and sculptures by Picasso, Léger, Feininger, Laurens, and others. Through Nov. 28. (Tuesdays through Fridays, 10 to 5.)... **WILDENSTEIN**, 19 E. 64th St.: A benefit loan show devoted to paintings by French landscapists, including Poussin, Boucher, Monet, and Bonnard. Through Dec. 6. (Open Mondays.)

QUICK LIST—Other Uptown artists currently showing their work include: **ATIRNOMIS** at Zierler, 956 Madison Ave., at 75th St. (Tuesdays through Saturdays, 10 to 6); **FRANCES GODOWSKY** at Phoenix, 939 Madison Ave., at 74th St. (Tuesdays through Saturdays, 11 to 5:30); **ENID MUNROE** at FAR Gallery, 746 Madison Ave., at 65th St. (Weekdays, 9:30 to 5:30).

GALLERIES—57TH STREET AREA

Thelma Appel—Paintings of tall grasses and other vegetation. Through Nov. 22. (Kornblee, 20 W. 57th St.)

Jane B. Armstrong—Sculptures in which it seems that the artist discovered her subjects—animals, nudes, and free-form abstractions—already embedded in marble and chiselled them free with a few taps. Through Saturday, Nov. 8. (Rehn, 655 Madison Ave., at 60th St.)

Frank Bowling—Large, handsome abstracts that suggest ice-cream-soda glasses with a full Howard Johnson spectrum of rich colors spilling down their sides. Through Thursday, Nov. 13. (De Nagy, 29 W. 57th St.)

Charles Burchfield (1893-1967)—Nine large watercolors. Through Saturday, Nov. 8. (Crispo, 41 E. 57th St. Mondays through Fridays, 11:30 to 4:30; Saturdays, 10:30 to 5:30.)

Emlen Etting—Semi-abstract paintings that celebrate solar energy; the artist calls them sunscapes. Through Nov. 22. (Midtown, 11 E. 57th St.)

Simon Hantaï—Recent works—large paintings, in acrylic on canvas or watercolor on linen, in which relatively small, bright-colored abstract shapes seem to take off like flights of startled birds. Through Friday, Nov. 7. (Matisse, 41 E. 57th St.)

František Kupka (1871-1957)—Drawings and gouaches, mostly, in an exhibit running concurrently with one at the Guggenheim Museum. Through Saturday, Nov. 15. (René, 6 W. 57th St.)

Alfred Leslie—A double exhibit: Great big larger-than-life figurative paintings, with unusual attention to highlights on the human body, at the Frumkin (50 W. 57th St.), and large, skillful drawings, some of them studies for the paintings, at the gallery's branch location (41 E. 57th St.). Through Nov. 21. Both establishments are open Mondays and (at noon) on Saturdays.

Mary Miss—What appears on first encounter to be a long, narrow box, more than head high and built of raw, wide boards, turns out, once the viewer has found the entrance, to be a mysterious crypt with nicely polished sides; this is accompanied by a ten-minute videotape of another puzzling environmental work by this artist—the digging of a trench. Through Saturday, Nov. 15. (Esman, 29 W. 57th St.)

John Moore—Realist still-lifes and interiors. Through Nov. 22. (Fischbach, 29 W. 57th St.)

Elie Nadelman (1882-1946)—Jaunty small-scale figure sculptures of the thirties and forties in a show that coincides with his retrospective at the Whitney Museum. Through Saturday, Nov. 8. (Zabriskie, 29 W. 57th St.)

Elinor Roberts—Abstract pen-and-ink drawings done with enormous patience in a network of lines that are finer than the engraving on a dollar bill; first solo show in New York. Through Saturday, Nov. 15. (Parsons-Truman, 24 W. 57th St.)

Lucas Samaras—A hodgepodge of, for instance, drawings on black paper using metallic pencils, and life-sized metal cutouts of silhouettes painted a bright green and mounted in a red room. Through Nov. 29. (Pace, 32 E. 57th St.)

Babe Shapiro—Abstract paintings from the last ten years. Through Nov. 20. (Sachs, 29 W. 57th St.)

Albert Sharp—Intimate back-road vistas of the Hamptons by a realist artist. Through Nov. 21. (Eric, 61 E. 57th St.)

Mark Tobey—A collection of small, choice works, ranging from several examples of his "white writing" to a funny sketch he scribbled out to elucidate his view on Cubism. Through Nov. 22. (Humboldt, a new gallery, at 37 W. 57th St.)

Group Shows—At the **JANIS**, 6 W. 57th St.: Paintings and sculptures by twentieth-century Europeans, including Mondrian, Kandinsky, Arp, and Brancusi. Through Nov. 22. (Open Mondays.)... **PARSONS**, 24 W. 57th St.: Collages by Anne Ryan, Susan Eisler, Richard Francisco, and others. Through Nov. 26.

GALLERIES—SoHo

Anthony DeBlasi—Five large color-field paintings. Through Wednesday, Nov. 12. (Razor, 464 West Broadway. Tuesdays through Saturdays, noon to 6.)

Bob Duran / Clark Murray—Abstract paintings. / Abstract steel sculptures. Through Nov. 26. (Caldwell, 383 West Broadway.)

Jackie Ferrara—Floor pieces made of raw wooden slats laid crisscross and forming pyramidal structures. Through Nov. 25. (Protetch, a new gallery, at 157 Spring St.)

Roy Lichtenstein—Recent paintings. Through Nov. 22. (Castelli, 420 West Broadway.)

Robert Ryman—Recent paintings, including one immense multi-panelled work. Through Nov. 26. (Weber, 420 West Broadway.)

Paul Tschinkel / Stanley Mistal—Linear metal floor and wall pieces (visitors can walk through the ones on the floor). / L-shaped boxes containing broken bits of colored plaster splashed with paint and sealed under a layer of clear plastic. Through Wednesday, Nov. 12. (55 Mercer Street Gallery.)

Lynton Wells—Photo-Realist images of plants, floodlights, and other objects painted on huge black-and-white photographs. Through Saturday, Nov. 8. (Emmerich, 420 West Broadway.)

Group Shows—At the **KNOWLTON**, 153 Prince St.: The box is the theme of a collection of works by such artists as Larry Rivers, Andy Warhol, Louise Nevelson, and, of course, Joseph Cornell. Through Dec. 24.... **PRINCE STREET GALLERY**, 106 Prince St.: Self-portraits by Sylvia Sleigh, Alex Katz, Alice Neel, and others. Through Wednesday, Nov. 12. (Tuesdays through Saturdays, 1 to 5.)

QUICK LIST—Other SoHo artists currently showing their work include: **ROSS BLECKNER** at Cuningham Ward, 94 Prince St. (Tuesdays through Fridays, 10 to 5; Saturdays, 11 to 6); **PATRICIA TOBACCO FORRESTER** and **D. E. SLACK** at Green Mountain, 135 Greene St. (Through Thursday, Nov. 13. Tuesdays through Saturdays, noon to 6); **RICHARD NONAS** at Solomon, 392 West Broadway (Tuesdays through Saturdays, 10 to 6); **JAMES NORMAN** and **WANG HUI-MING** at Aames, 93 Prince St. (Tuesdays through Sundays, 10:30 to 5:30); **ROBERT PETERSEN** at Sonnabend, 420 West Broadway (Tuesdays through Saturdays, 10 to 6); **JACK SOLOMON** and **CAROL SCHILLE** at Yu, 393 West Broadway (Through Wednesday, Nov. 12. Tuesdays through Saturdays, 10 to 6); **ALAN SONFIST** at Ariadne, 410 West Broadway (Tuesdays through Saturdays, 10 to 6).

OTHER GALLERIES

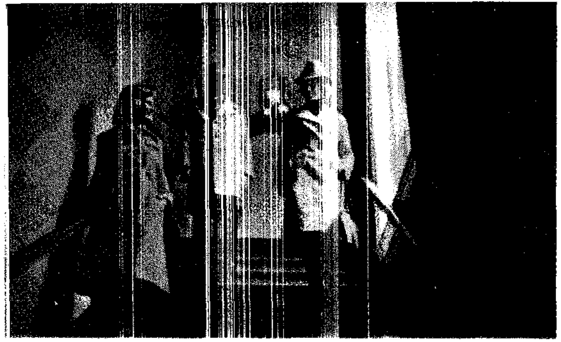
Group Shows—At the **AFRICAN-AMERICAN INSTITUTE**, 833 United Nations Plaza, at 47th St.: A travelling exhibit of traditional African art, on loan from the government of Zaïre. Through Jan. 31. (Open Mondays.)... **80 WASHINGTON SQUARE EAST GALLERIES**: Paintings and drawings from the *National Lampoon.* Through Wednesday, Nov. 12.

PHOTOGRAPHY

Eugène Atget (1857-1927)—More than a hundred photographs of Paris, its environs, and its people by this master documentarian. Many of these prints were made by Berenice Abbott, who acquired the negatives shortly after Atget's death. Through Nov. 29. (Witkin, 243 E. 60th St. Open Thursday evenings until 8.)

Mark Cohen / Duane Michals—Sharply defined prints in black-and-white and color that depict the human figure in bizarre fragments. /

Remember.



Misty Harbor for her. Harbor Master for him.

Rainwear for the good times.

Remember the time
not too long ago
when the two of you
took your daughter
to college?

And you were feeling
happy and excited
mixed with soft
little pangs that were
hard to describe.

And you took each other's hand
and realized you'd have more time
for each other—
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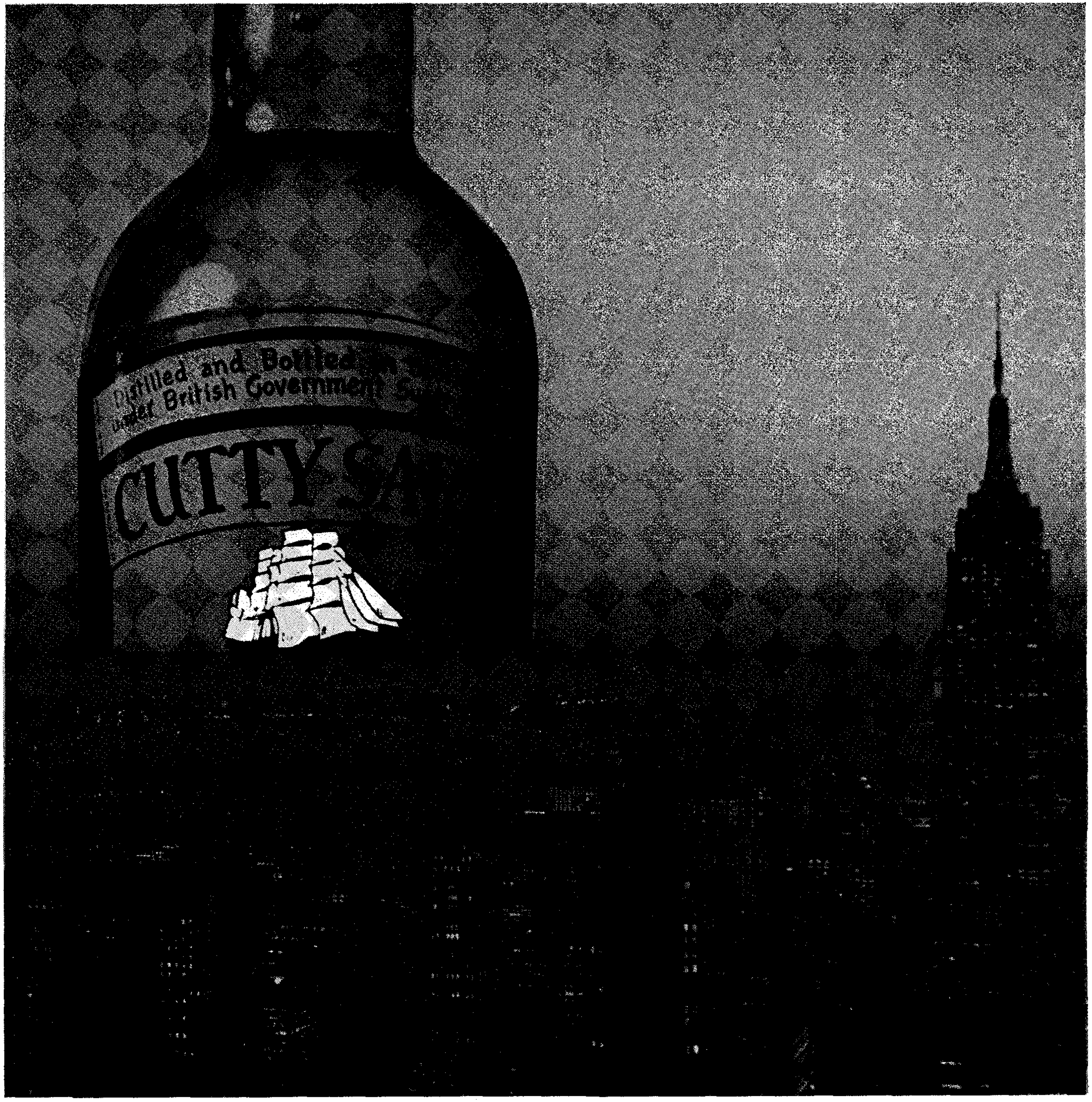
Distilled and Bottled in
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...and now it's time for a Cutty.

GOINGS ON ABOUT TOWN

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Recent small pictures accompanied by the photographer's brief handwritten explanations (sometimes in the form of limericks). Through Saturday, Nov. 8. (Light, 1018 Madison Ave., at 79th St.)

Frederick H. Evans (1853-1943)—Platinum prints, mostly of architectural subjects, as well as several portraits and landscapes. Through Nov. 22. (Helios, a new gallery, at 26 E. 78th St.)

Charles Henri Ford—Black-and-white photographs of Italy made about twenty years ago by a poet; first one-man show in New York. Through Nov. 29. (Carlton, 127 E. 69th St.)

Seymour Jacobs / Sy Rubin—Photographs taken at Brighton Beach. / Pictures of city-dwellers alone and in crowds. Through Sunday, Nov. 9. (Midtown Y Gallery, 344 E. 14th St. Sundays through Thursdays, noon to 8; Fridays, noon to 4.)

Marcia Keegan / Stella Snead—Photographs of former vaudeville performers. / Black-and-white prints of beach subjects, mostly. Through Nov. 16. (Neikrug, 224 E. 68th St. Thursdays, 1 to 8; Fridays and Saturdays, 1 to 6; Sundays, 2 to 5.)

Kipton Kumler—Black-and-white photographs of plants, landscapes, and building façades made with a view camera; first one-man show in New York. Through Nov. 29. (Schoelkopf, 825 Madison Ave., at 69th St.)

Jacques Henri Lartigue—A personal diary of more than seventy photographs that illustrate the vast changes in France from the early nineteen-hundreds to the mid-sixties. Through Nov. 29. (French Institute/Alliance Française Gallery, 22 E. 60th St. Mondays through Fridays, noon to 7; Saturdays, noon to 5.)

Hans Namuth—Black-and-white photographs of old hand-crafted American tools. Through Saturday, Nov. 15. (Castelli, 4 E. 77th St.)

Peter Simon and Elliott Erwitt—Nudes. Through Nov. 28. (Nikon, 437 Madison Ave., at 50th St. Open Mondays; closed Saturdays.)

James Van DerZee—Pictures of people in Harlem in the early nineteen-hundreds, displayed aboard a houseboat. Through Nov. 23. (W. 79th St. Boat Basin. Saturdays and Sundays, 12:30 to 5.)

Tom Yahashi—Rural scenes; first one-man show in New York. Through Tuesday, Nov. 11. (Camera Club, 37 E. 60th St. Mondays through Fridays, 2 to 6.)

Group Shows—At the **international center of photography**, 1130 Fifth Ave., at 94th St.: A retrospective of the photographs of Gordon Parks. . . . ¶ A survey of Polaroid color photography including examples by Ansel Adams, Walker Evans, and Lucas Samaras. Both exhibitions through Sunday, Nov. 9. . . . **marlborough**, 40 W. 57th St.: Photographs of New York, Paris, and London taken in the thirties by Berenice Abbott, Brassaï, and Bill Brandt. Through Nov. 29. . . . **museum of modern art**, 11 W. 53rd St.: An exhibition of the work of four Surrealist photographers—Man Ray, Frederick Sommer, Clarence John Laughlin, and Robert Cumming. Through Nov. 16. (Daily, except Wednesday, Nov. 5, from 11 to 6, and Thursday evenings until 9.) . . . **soho photo**, 30 W. 13th St.: Black-and-white portraits by George Alpert and other works by gallery members. Through Dec. 2. (Fridays through Sundays, 1 to 6; Tuesdays, 7 P.M. to 9 P.M.)

MUSEUMS AND LIBRARIES

Metropolitan Museum, Fifth Ave. at 82nd St.—Twenty-seven recent paintings by Hans Hartung. Through Jan. 4. A complementary exhibit is at the Lefebre Gallery, 47 E. 77th St. . . . ¶ Eighty-six newly acquired drawings by European artists, in a selection that has examples dating from the Italian Renaissance to the late nineteenth century. Through Jan. 4. . . . ¶ A show of Japanese paintings (ranging from thirteenth-century scrolls to nineteenth-century folding screens) and other art objects from the Mary and Jackson Burke collection. Starts Friday, Nov. 7. (Tuesdays, 10 to 8:45; Wednesdays through Saturdays, 10 to 4:45; Sundays, 11 to 4:45.)

Museum of Modern Art, 11 W. 53rd St.—About two hundred nineteenth-century architectural drawings, from the Ecole des Beaux-Arts. Also on view: photographs of French and American buildings that incorporate Beaux-Arts ideas. Through Jan. 4. . . . ¶ Seventeen drawings, by Matisse, Willem de Kooning, Giacometti, and others, which were recently acquired by the museum. Through Sunday, Nov. 9. . . . ¶ Four Surrealist photographers. Through Nov. 16. . . . ¶ "Printsequence" is an exhibition of prints by Rauschenberg, Nolde, Lichtenstein, and others demonstrating variations within a series. Each print in an Andy Warhol series, for example, reproduces the image of Mao Tse-tung in a different color. Through Jan. 18. . . . ¶ New prints by Robert Ryman and Richard Smith. Starts Thursday, Nov. 6. (Daily, 11 to 6, and Thursday evenings until 9. Starting Nov. 5, the museum, feeling the pinch, will be closed all day on Wednesdays; the pay-as-you-can day will be moved to Tuesdays.)

Guggenheim Museum, 1071 Fifth Ave., at 89th St.—Collage paintings by Jiří Kolář, a contemporary Czech artist showing here for the first time. Through Nov. 16. . . . ¶ A retrospective of the work of František Kupka, a pioneer Czech experimentalist, made up of about a hundred and eighty paintings and works on paper. Through Dec. 7. A complementary show is at the Galerie Denise René, 6 W. 57th St. (Tuesdays, 11 to 8, with no admission charge from 5 to 8; Wednesdays through Sundays, 11 to 5. . . . ¶ Concert at the museum: On Thursday, Nov. 13, at 7, a program of contemporary music by Petr Kotik, performed by William Zukov, countertenor; William Lyon Lee, tenor; Mr. Kotik, flute; and John Boulder, percussion. Free tickets on a first-come, first-served basis.)

Whitney Museum, 945 Madison Ave., at 75th St.—An Elie Nadelman retrospective of figurative sculptures in wood, stone, metal, and terra-cotta, plus drawings. Through Nov. 30. A complementary show (ending Saturday) is at the Zabriskie Gallery, 29 W. 57th St. . . . ¶ Sculptures and drawings by Richard Tuttle, a young experimental artist. Through Nov. 16. . . . ¶ Constructivist paintings by Dennis Ashbaugh. Through Sunday, Nov. 9. (Weekdays, 11 to 6; Tuesday evenings, 6 to 10, with no admission charge; Sundays and Tuesday, Nov. 11, noon to 6.)

Whitney Downtown Museum, 55 Water St., two blocks south of Wall St.—Still-life paintings and sculptures by Janet Fish, George Segal, Wayne Thiebaud, and others. Through Dec. 3. (Mondays through Fridays, except Tuesday, Nov. 11, from 11 to 3.)

Brooklyn Museum, Eastern Parkway—A show recording American and European men's and boys' fashions from the seventeenth century to the present day. The clothing on view includes a lace collar, court-presentation suits, a tuxedo, and a Bill Blass suit. Through Jan. 18. . . . ¶ About a hundred and forty women artists are each represented by a single work on paper in a show that offers a wide range of styles and mediums. Through Sunday, Nov. 9. (Wednesdays through Saturdays, 10 to 5; Sundays, noon to 5.)

American Museum of Natural History, Central Park W. at 79th St.—A display showing the techniques used by the museum's staff of artists, taxidermists, model makers, and other reproduction specialists in mounting installations. Through April 4. . . . ¶ An eleven-minute slide show, with narration, of drawings and photographs that explain (in a mixture of story and fact) how hats are used all over the world, and a companion exhibit of hats worn by politicians and theatre people. Through Feb. 28. (Weekdays, 10 to 4:45; Sundays and Tuesday, Nov. 11, from 11 to 5.)

Asia House, 112 E. 64th St.—"Nepal: Where the Gods Are Young" is an exhibit of the religious art (eighth century to the nineteenth) of Nepal, where Buddhist and Hindu deities are invariably depicted as youthful. Through Nov. 23. (Mondays through Fridays, 10 to 5; Saturdays, 11 to 5; Sundays, 1 to 5.)

China House, 125 E. 65th St.—An exhibition of clay, stone, jade, and bronze figurines found in Chinese tombs dating from the third century through the sixth. Through Feb. 1. (Mondays through Fridays, except Tuesday, Nov. 11, from 10 to 5; Saturdays, 11 to 5; Sundays, 2 to 5.)

Jewish Museum, Fifth Ave. at 92nd St.—"Jewish Experience in the Art of the Twentieth Century," an exhibit of paintings, sculptures, and graphics by Chagall, Shahn, Soutine, Weber, Nevelson, and others. Through Jan. 25. (Mondays through Thursdays, noon to 5; Sundays, 11 to 6.)

Morgan Library, 29 E. 36th St.—Early illustrated children's books. . . . ¶ A tribute to Jane Austen on her bicentenary includes personal artifacts as well as first editions, autograph letters, and manuscripts. Both exhibitions through Nov. 30. (Tuesdays through Saturdays, 10:30 to 5; Sundays, 1 to 5.)

Museum of American Folk Art, 49 W. 53rd St.—"Tramp Art" is the title of an exhibit of carved-wood furnishings—bedposts, lamp stands, mirrors, ashtrays—made by itinerants of a sort. The pieces date from 1860 to the thirties and are arranged in room settings. Through Nov. 21. (Daily, except Mondays, 10:30 to 5:30.)

Museum of Contemporary Crafts, 29 W. 53rd St.—An exhibit of bags: embroidered bags from Asia, a sporran from Scotland, shopping bags designed by Lichtenstein and Warhol, Oldenburg's kinetic "Ice Bag," and so on. Through Jan. 4. (Tuesdays through Saturdays, 11 to 6; Sundays, 1 to 6.)

Museum of the City of New York, Fifth Ave. at 104th St.—Paintings of New York City by fifty leading artists associated with the Art Students League (this year marking its centenary). Through Jan. 4. . . . ¶ William Auerbach-Levy's caricatures of John Barrymore, Lynn Fontanne, Ethel Waters, and other stars of the theatre. Through Jan. 4. (Tuesdays, except Nov. 11, through Saturdays, 10 to 5; Sundays and Tuesday, Nov. 11, from 1 to 5.)

National Academy of Design, 1083 Fifth Ave., at 89th St.—More than two hundred paintings, sculptures, and graphics by deceased members of the academy in an exhibit arranged to mark the hundred-and-fiftieth anniversary of the institution's founding. Through Nov. 16. (Daily, 1 to 5.)

MUSIC

(The box-office number for the Metropolitan Opera House is 799-4420, for Avery Fisher Hall TR 4-2424, for Carnegie Hall CI 7-7459, and for Alice Tully Hall 362-1911. Other box-office numbers are included in the listings.)

OPERA

Metropolitan Opera—Wednesday evening, Nov. 5: "Boris Godunov," with Mignon Dunn, Jerome Hines, Misha Raitzin, Robert Nagy, Andrea Velis, Morley Meredith, Arthur Thompson, John Macurdy, and Fernando Corena; conducted by Kazimierz Kord. . . . ¶ Thursday evening, Nov. 6: "Norma," with Rita Hunter, Frederica von Stade, Franco Corelli, and John Macurdy; Gianfranco Masini. . . . ¶ Friday evening, Nov. 7: "Un Ballo in Maschera," with Teresa Kubiak, Roberta Peters, Maureen Forrester, Barry Morell, and Robert Merrill; Henry Lewis. . . . ¶ Saturday matinée, Nov. 8: "Il Barbiere di Siviglia," with Costanza Cuccaro, Shirley Love, Enrico Di Giuseppe, Kostas Paskalis, Fernando Corena, and Jerome Hines; John Nelson. . . . ¶ Saturday evening, Nov. 8: "Così Fan Tutte," with Elizabeth Harwood, Anne Howells, Colette Boky, Ryland Davies, Richard Stilwell, and Renato Capecchi; Kazimierz Kord. . . . ¶ Monday evening, Nov. 10: "Boris Godunov," with Mignon Dunn, Jerome Hines, Misha Raitzin, Robert Nagy, Andrea Velis, Morley Meredith, Arthur Thompson, John Macurdy, and Fernando Corena; Kazimierz Kord. . . . ¶ Tuesday evening, Nov. 11: "Un Ballo in Maschera," with Teresa Kubiak, Roberta Peters, Maureen Forrester, Barry Morell, and Robert Merrill; Henry Lewis. . . . ¶ Wednesday evening, Nov. 12: "Carmen," with Régine Crespin, Lucine Amara, James McCracken, and Matteo Manuguerra; Henry Lewis. . . . ¶ Thursday evening, Nov. 13: "Norma," with Rita Hunter, Frederica von Stade, Franco Corelli, and John Macurdy; Gianfranco Masini. . . . ¶ Friday evening, Nov. 14: "Così Fan Tutte," with Elizabeth Harwood, Anne Howells, Roberta Peters, Ryland Davies, Richard Stilwell, and Renato Capecchi; Kazimierz Kord. . . . ¶ Saturday matinée, Nov. 15: "La Gioconda," with Martina Arroyo, Mignon Dunn, Lili Chookasian, Barry Morell, Matteo Manuguerra, and Mal-

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colm Smith; Giuseppe Patanè. . . . ¶ Saturday evening, Nov. 15: "Il Barbiere di Siviglia," with Costanza Cuccaro, Shirley Love, Douglas Ahlstedt, Kostas Paskalis, Fernando Corena, and Jerome Hines; John Nelson. (*Evenings at* 8. *Matinées at* 2.)

New York City Opera—Final performances of the season—Wednesday, Nov. 5, at 7: "Die Meistersinger" (*in English*), *with* Sandra Walker, John Alexander, and Norman Bailey; conducted by Julius Rudel. . . . ¶ Thursday, Nov. 6, at 8: "Lucia di Lammermoor," with Arlene Randazzo, Kathleen Hegierski, Gaetano Scano, and Pablo Elvira; Luigi Martelli. . . . ¶ Friday, Nov. 7, at 7: "Die Meistersinger" (in English), with Johanna Meier, Diane Curry, Gary Glaze, and Elliot Palay; Julius Rudel. . . . ¶ Saturday, Nov. 8, at 2: "The Turn of the Screw," with Eileen Schauler, Emily Derr, John Lankston, and Ellen Faull; Christopher Keene. . . . ¶ Saturday, Nov. 8, at 8: "Manon Lescaut," with Patricia Craig, Jeanne Piland, Kenneth Collins, and Richard Fredricks; Luigi Martelli. A benefit performance; for tickets, call 255-5820. . . . ¶ Sunday, Nov. 9, at 1: "H.M.S. Pinafore," with Barbara Hocher, Puli Toro, Alan Baker, and Howard Hensel; David Effron. . . . ¶ Sunday, Nov. 9, at 7: "I Puritani," with Beverly Sills, Diane Curry, Enrico Di Giuseppe, and Pablo Elvira; Christopher Keene. (New York State Theatre, Lincoln Center, TR 7-4727.)

ORCHESTRAS AND CHORUSES

New York Philharmonic—At Avery Fisher Hall—Erich Leinsdorf conducting on Thursday, Nov. 6, at 8:30; Friday, Nov. 7, at 2; Saturday, Nov. 8, at 8:30; and Tuesday, Nov. 11, at 7:30 (all with John Browning, piano). . . . ¶ Sarah Caldwell conducting a program of music by twentieth-century women composers on Monday, Nov. 10, at 8:30, for the benefit of the Philharmonic's Pension Fund (with Stanley Drucker, clarinet; Gwendolyn Killebrew, mezzo-soprano; Joseph Evans, tenor; and Lenus Carlson, baritone). . . . ¶ Lawrence Foster conducting on Thursday, Nov. 13, at 8:30; Friday, Nov. 14, at 2; Saturday, Nov. 15, at 8:30; and Tuesday, Nov. 18, at 7:30 (all with Alicia de Larrocha, piano).

Boston Symphony—Seiji Ozawa conducting, with Anthony Newman, organ. (Carnegie Hall. Wednesday and Thursday, Nov. 12-13, at 8.)

Jerusalem Symphony Orchestra—Lukas Foss conducting. (Brooklyn Academy of Music, 30 Lafayette Ave. 636-4100. Thursday, Nov. 13, at 8.)

Baroque Concert—Charlotte Bergen conducting a symphony orchestra. (Carnegie Hall. Saturday, Nov. 8, at 2:30. No tickets necessary.)

Musica Aeterna Orchestra—Frederic Waldman conducting. (Grace Rainey Rogers Auditorium, Metropolitan Museum, Fifth Ave. at 83rd St. 879-5512. Saturday, Nov. 8, at 8, and Sunday, Nov. 9, at 5:30, both with Sergiu Luca, violin; and Saturday, Nov. 15, at 8, with Mieczyslaw Horszowski, piano. All seats for the last concert have been sold, and only standing room is left.)

American Symphony Orchestra—Kazuyoshi Akiyama conducting, with Bert Lucarelli, oboe. (Carnegie Hall. Sunday, Nov. 9, at 3.)

Harlem Philharmonic Orchestra—Karl Hampton Porter conducting. (American Academy of Arts and Letters, 632 W. 156th St. Sunday, Nov. 9, at 3. For tickets, call 865-5280.)

Manhattan Orchestra—Anton Coppola conducting. (Borden Auditorium, Manhattan School of Music, 120 Claremont Ave., at 122nd St. Tuesday, Nov. 11, at 8. Free tickets can be had by writing and enclosing a self-addressed stamped envelope.)

Menuhin Festival Orchestra of London—Yehudi Menuhin conducting and acting as violin soloist. (Carnegie Hall. Friday, Nov. 14, at 8.)

Yale Russian Chorus—An a-cappella program. (*Eisner and Lubin Auditorium, Loeb Student* Center, Washington Sq. S. and LaGuardia Pl. Saturday, Nov. 8, at 3. Admission by contribution.)

Vienna Choir Boys—Gerald Trabesinger directing. (Carnegie Hall. Saturday, Nov. 8, at 8.)

Canterbury Choral Society—Charles Dodsley Walker directing an all-Mahler program, with Jean Kraft, mezzo-soprano, and an orchestra. (Church of the Heavenly Rest, Fifth Ave. at 90th St. Sunday, Nov. 9, at 4. Admission by contribution.)

Oratorio Society of New York—Lyndon Woodside directing. (Great Hall, Cooper Union, Third Ave. at 7th St. Friday, Nov. 14, at 8. Admission is free, but contributions will be more than welcome.)

RECITALS

Robert de Gaetano—Piano. (Alice Tully Hall. Wednesday, Nov. 5, at 8.)

Raymond Lewenthal—Piano, with Herta Glaz, narrator; Guy Lumia, violin; John Wion, flute; and others. (Hunter College Playhouse, Park Ave. at 68th St. 535-5350. Wednesday, Nov. 5, at 8.)

New and Newer Music—A program played by Tashi, with Buell Neidlinger, double bass. (New York Public Library at Lincoln Center Auditorium, 111 Amsterdam Ave., at 65th St. Thursday, Nov. 6, at 7:30. For tickets, which will not be on sale at the auditorium, call 362-1911.)

Dietrich Fischer-Dieskau and Jörg Demus—Baritone and piano. The last in a series of concerts. (Carnegie Hall. Thursday, Nov. 6, at 8.)

Robert Smith—Harpsichord. (Carnegie Recital Hall. Thursday, Nov. 6, at 8.)

Music from Marlboro—Chamber music. (Grace Rainey Rogers Auditorium, Metropolitan Museum, Fifth Ave. at 83rd St. 879-5512. Thursday, Nov. 6, at 8.)

Chamber Music Society of Lincoln Center—Peter Pears, tenor; Osian Ellis, harp; Jaime Laredo and Ani Kavafian, violin; Charles Wadsworth, piano; and others. (Alice Tully Hall. Friday, Nov. 7, at 8, and Sunday, Nov. 9, at 5.)

Waverly Consort—"Music of Medieval Europe in the Age of the Crusades," with Earnest Murphy, tenor. (Alice Tully Hall. Saturday, Nov. 8, at 8.)

Jorge Bolet—Piano. (Avery Fisher Hall. Sunday, Nov. 9, at 3.)

Béla Szilágyi—Piano. (Alice Tully Hall. Sunday, Nov. 9, at 8.)

Maria Livia São Marcos—Classical guitarist. (*Alice Tully Hall. Monday, Nov.* 10, *at* 8.)

Igor Kipnis—Harpsichord. (Velez Blanco Patio, Metropolitan Museum, Fifth Ave. at 82nd St. 879-5512. Wednesday, Nov. 12, at 8.)

Sergio and Eduardo Abreu—Classical guitarists. (Hunter College Playhouse, Park Ave. at 68th St. 535-5350. Wednesday, Nov. 12, at 8:30.)

Ernesto Bitetti—Classical guitarist. (Alice Tully Hall. Thursday, Nov. 13, at 8.)

Beaux Arts Trio—The first in a series of three concerts presenting the Beethoven cycle of piano trios. (Grace Rainey Rogers Auditorium, Metropolitan Museum, Fifth Ave. at 83rd St. 879-5512. Thursday, Nov. 13, at 8.)

Peter Pears and Osian Ellis—Tenor and harp. in a program of English and French songs of the seventeenth century. (Grace Rainey Rogers Auditorium, Metropolitan Museum, Fifth Ave. at 83rd St. 879-5512. Friday, Nov. 14, at 8.)

Manhattan Brass Ensemble and Manhattan Percussion Ensemble—A joint concert, conducted by Cecil Collins and Paul Price. (Borden Auditorium, Manhattan School of Music, 120 Claremont Ave., at 122nd St. Friday, Nov. 14, at 8. Free tickets can be had by writing and enclosing a self-addressed stamped envelope.)

Renée Siebert—Flute. (Grace Rainey Rogers Auditorium, Metropolitan Museum, Fifth Ave. at 83rd St. 879-5512. Saturday, Nov. 15, at 2:30.)

MISCELLANY

Concert Celebrating Aaron Copland's Seventy-Fifth Birthday—An all-Copland benefit concert, at which the composer will be present, with Paula Robison, flute; Charles Wadsworth and Ann Schein, piano; the Pearl Lang Dance Company (with William Carter); Hamao Fujiwara, violin; and the Gregg Smith Singers, with Rosalind Rees, soprano. (Alice Tully Hall. Wednesday, Nov. 12, at 7.)

SPORTS

(The box-office number for Madison Square Garden, Eighth Ave. between 31st and 33rd Sts., is 564-4400.)

Professional Basketball—At Madison Square Garden—Knicks vs. Houston, Thursday, Nov. 13, at 7:30. . . . ¶ Knicks vs. Atlanta, Saturday, Nov. 15, at 8.

Boxing—Ten heavyweight bouts between amateur boxers from the United States and Russia. (Madison Square Garden. Friday, Nov. 14, at 8:30.)

College Football—SATURDAY, NOV. 8 (all games at 1:30): Amherst vs. Trinity, at Amherst. . . . ¶ Army vs. Boston College, at West Point. . . . ¶ Columbia vs. Dartmouth, at Baker Field. . . . ¶ Cornell vs. Brown, at Ithaca. . . . ¶ Harvard vs. Princeton, at Cambridge. . . . ¶ Rutgers vs. Lafayette, at New Brunswick. . . . ¶ Wesleyan vs. Williams, at Middletown. . . . ¶ Yale vs. Pennsylvania, at New Haven. . . . SATURDAY, NOV. 15: Brown vs. Harvard, at Providence, at 1:30. . . . ¶ Columbia vs. Pennsylvania, at Baker Field, at 1:30. . . . ¶ Dartmouth vs. Cornell, at Hanover, at 1. . . . ¶ Fordham vs. Wagner, at Fordham, at 1:30. . . . ¶ Grambling vs. Norfolk State, in a benefit game, at Shea Stadium, at 3. . . . ¶ Princeton vs. Yale, at Princeton, at 1:30. . . . ¶ Trinity vs. Wesleyan, at Hartford, at 1:30. . . . ¶ Williams vs. Amherst, at Williamstown, at 1:30.

Professional Football—Sunday, Nov. 9: Giants vs. Washington Redskins, at Shea Stadium, at 1. . . . ¶ Jets vs. Miami Dolphins, at Miami.

Horse Show—National Horse Show. (Madison Square Garden. Through Tuesday, Nov. 11. Competitions daily at 2 and 7:30.)

Hockey—Rangers vs. Chicago Black Hawks. (Madison Square Garden. Wednesday, Nov. 12, at 7:35.)

Racing—At BELMONT: Daily at *12:30; through* Saturday, Nov. 8. The Jerome Handicap, Saturday, Nov. 8. (Frequent trains will leave Penn Station for the track Wednesday through Friday between 9:45 and 12:15, and Saturday between 9:45 and 12:30.) . . . AQUEDUCT: Weekdays at 12:30, from Monday, Nov. 10, through Tuesday, Dec. 23. The Stuyvesant *Handicap, Tuesday, Nov.* 11, *and the* Ladies Handicap, Saturday, Nov. 15. . . . MONMOUTH PARK, Oceanport, N.J.: Wednesday and Thursday, Nov. 5-6, and Saturday, Nov. 8, at 12:30. . . . LAUREL, Md.: Weekdays at 12:30; through Wednesday, Dec. 31. The Washington, D.C., International, Saturday, Nov. 8.

Trotting—At Yonkers Raceway: Weekdays at 8; through Saturday, Dec. 13.

ET ALIA

(The New York Parks Department number to call for information about all free entertainment in the city is 472-1003.)

Auctions—At the Sotheby Parke Bernet, 980 Madison Ave., at 76th St. (Exhibition hours: Tuesdays through Saturdays, 10 to 5.)—Six sales of property from the American Heritage Society. Thursday, Nov. 6, at 10:15: Pottery and pewter. . . . Thursday, Nov. 6, at 2: Decoys and decorated carvings. . . . Friday, Nov. 7, at 10:15: Chinese Export porcelains and American silver. . . . Friday, Nov. 7, at 2: Paintings, glass, furniture, and miniature furniture. . . . Saturday, Nov. 8, at 10:15: Folk art, including quilts and stoneware. . . . Saturday, Nov. 8, at 2: Personal items once belonging to George and Martha Washington, American and other clocks, decorations, silhouettes, furniture, and hearth equipment. . . . ¶ Tuesday and Wednesday, Nov. 11-12, at 10:15 and 2: English and Continental silver, watches and clocks, and *objets de vertu;* from many sources. Exhibition starts Thursday, Nov. 6.

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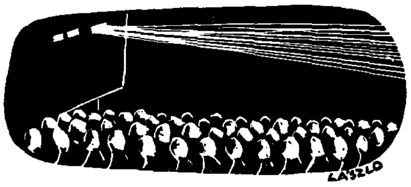
GOINGS ON ABOUT TOWN

THE MOVIE HOUSES



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THE FILMS PLAYING THE REGULAR MOVIE HOUSES ARE DESCRIBED IN BRIEF IN THE SECTION BELOW

EAST SIDE

Art, 36 E. 8th. (GR 3-7014)
Through Nov. 11: "Nashville."
From Nov. 12: "A Brief Vacation" and "The Garden of the Finzi-Continis."

Theatre 80 St. Marks, 80 St. Marks Pl. (254-7400)
Nov. 5: "Today We Live" and "Our Blushing Brides."
Nov. 6-8: "Babes on Broadway" and "Summer Stock."
Nov. 9-10: "The Good Earth" and "The Painted Veil."
Nov. 11-12: "State of the Union" and "Without Love."
From Nov. 13: "Private Lives" and "Marie Antoinette."

St. Marks Cinema, 2nd Ave. at 8th. (777-1955)
Through Nov. 11: "A Clockwork Orange" and "Deliverance."
From Nov. 12: "The Passenger" and another feature, to be announced.

Cinema Village, 22 E. 12th. (924-3363)
Through Nov. 11: "The Magic Christian" and "End of the Road."
From Nov. 12: "Bringing Up Baby" and "Morning Glory."

Gramercy, Lexington at 23rd. (GR 5-1660)
Through Nov. 11: "The Passenger."
From Nov. 12: "The Day of the Locust."

Murray Hill, 160 E. 34th. (685-7652)
"Smile."

34th St. East, 241 E. 34th. (683-0255)
"Mahogany."

Eastside Cinema, 3rd Ave. at 55th. (755-3020)
"No Way Out."

Sutton, 3rd Ave. at 57th. (PL 9-1411)
"Hearts of the West." (No evening performances on Monday, Nov. 10.)

Trans-Lux East, 3rd Ave. at 58th. (PL 9-2262)
"Farewell, My Lovely."

Fine Arts, 130 E. 58th. (755-6030)
"Exhibition" (X-rated).

Plaza, 42 E. 58th. (EL 5-3320)
"Hester Street."

Baronet, 3rd Ave. at 59th. (355-1663)
"Hard Times."

Coronet, 3rd Ave. at 59th. (355-1663)
Through Nov. 10: "Royal Flash."
From Nov. 11: "The Magic Flute."

R.K.O. 59th St. Twin 1, 220 E. 59th. (688-1717)
"The Naughty Victorians" (X-rated).

R.K.O. 59th St. Twin 2, 220 E. 59th. (688-0750)
Through Nov. 6: "A Pain in the A.."
From Nov. 7: To be announced.

D. W. Griffith, 235 E. 59th. (759-4630)
Through Nov. 6: "A King in New York" and "Monsieur Verdoux."
Nov. 7-8: "Limelight" and "The Great Dictator."
Nov. 9-10: "Modern Times" and "City Lights."
From Nov. 11: "Way Out West" and "Saps at Sea."

Cinema I, 3rd Ave. at 60th. (PL 3-6022)
"Dog Day Afternoon."

Cinema II, 3rd Ave. at 60th. (PL 3-0774)
"Swept Away."

Columbia I, 2nd Ave. at 64th. (832-1670)
"The Way We Were."

Columbia II, 2nd Ave. at 64th. (832-2720)
"Smile."

Beekman, 2nd Ave. at 66th. (RE 7-2622)
"Distant Thunder."

68th St. Playhouse, 3rd Ave. at 68th. (RE 4-0302)
"The Devil Is a Woman."

Loews Tower East, 3rd Ave. at 71st. (879-1313)
"Three Days of the Condor."

72nd Street East, 1st Ave. at 72nd. (BU 8-9304)
Through Nov. 11: "Love and Death."
From Nov. 12: "Walking Tall, Part 2."

Juliet 1, 3rd Ave. at 83rd. (249-1806)
Through Nov. 11: "A Brief Vacation."
From Nov. 12: To be announced.

Juliet 2, 3rd Ave. at 83rd. (249-1806)
To be announced.

Trans-Lux 85th St., Madison at 85th. (BU 8-3180)
"The Lion in Winter" and "A Touch of Class."

U. A. East, 1st Ave. at 85th. (249-5100)
"No Way Out."

Loews Orpheum, 3rd Ave. at 86th. (289-4607)
"Mahogany."

Loews Ciné, 3rd Ave. at 86th. (427-1332)
"Rooster Cogburn."

86th St. East, 3rd Ave. at 86th. (249-1144)
"Let's Do It Again."

R.K.O. 86th St. Twin 1, Lexington at 86th. (289-8900)
Through Nov. 6: "Take a Hard Ride."
From Nov. 7: To be announced.

R.K.O. 86th St. Twin 2, Lexington at 86th. (289-8932)
"The Way We Were."

WEST SIDE

Bleecker St. Cinema, 144 Bleecker St. (674-2560)
Nov. 5: "Palm Beach Story" and "Sullivan's Travels."
Nov. 6: "The Clowns" and "Fellini's Roma."
Nov. 7: "Putney Swope" and "Greaser's Palace."
Nov. 8: "Citizen Kane" and "The Magnificent Ambersons."
Nov. 9: "Beauty and the Beast" and "Les Visiteurs du Soir."
Nov. 10: "Ugetsu" and "The Life of O-Haru."
Nov. 11: "Burn!" and "One-Eyed Jacks."
Nov. 12: "L'Avventura" and "Red Desert."
Nov. 13: "Pierrot le Fou" and "Two or Three Things I Know About Her."

Waverly, 6th Ave. at 3rd. (929-8037)
"Farewell, My Lovely."

8th St. Playhouse, 52 W. 8th. (674-6515)
Through Nov. 11: "The Lion in Winter" and "A Touch of Class."
From Nov. 12: To be announced.

Greenwich, Greenwich Ave. at 12th. (929-3350)
"No Way Out."

Quad Cinemas 1, 2, 3, and 4, 34 W. 13th. (255-8800)
Through Nov. 11 at one of another of the theatres: "The Day of the Locust" and "The Conversation" / "Love and Death" and "Bananas" / "Milestones" / "Lisztomania."
From Nov. 12: To be announced.

Elgin, 8th Ave. at 19th. (675-0935)
Nov. 5: "The Killing of Sister George" and "The Last of Sheila."
Nov. 6: "Five Easy Pieces" and "Payday."
Nov. 7-8: "The Conformist" and "The Garden of the Finzi-Continis."
Nov. 9: "Harold and Maude" and "Little Murders."
Nov. 10: "Nights of Cabiria" and "I Vitelloni."
Nov. 11: "Going Places" and "Such a Gorgeous Kid Like Me."
Nov. 12: "The Damned" and "Death in Venice."
Nov. 13: "Borsalino" and "The Four Musketeers."

Guild, 33 W. 50th. (PL 7-2406)
Through Nov. 6: "Benji."
From Nov. 7: "Mr. Quilp."

Music Hall, 6th Ave. at 50th. (757-3100)
Nov. 5: Theatre closed.
From Nov. 6: "The Sunshine Boys."

Ziegfeld, 141 W. 54th. (765-7600)
"Conduct Unbecoming."

Festival, 6 W. 57th. (581-2323)
"Let's Do It Again."

Playboy, 110 W. 57th. (JU 6-4448)
Through Nov. 11: "A Clockwork Orange" and "Deliverance."
From Nov. 12: "The Fortune" and "The Odessa File."

Little Carnegie, 146 W. 57th. (246-5123)
"Black Moon."

Carnegie Hall Cinema, 7th Ave. at 57th. (757-2131)
Nov. 5: "Blonde Venus" and "The Scarlet Empress."
Nov. 6: "The Third Man" and "Journey Into Fear."
Nov. 7: "Don't Cry with Your Mouth Full" and "Murmur of the Heart."
Nov. 8: "Black Orpheus" and "The Eternal Return."
Nov. 9: "You Were Never Lovelier" and "Daddy Long Legs."
Nov. 10: "The Big Heat" and "Underworld, U.S.A."
Nov. 11: "Playtime" and "Traffic."
Nov. 12: "The Devil Is a Woman" and "Crime and Punishment."
Nov. 13: "The 39 Steps" and "To Catch a Thief."

Paris, 4 W. 58th. (688-2013)
"Lies My Father Told Me."

Paramount, B'way at 61st. (247-5070)
"Smile."

Cinema Studio, B'way at 66th. (877-4040)
"Just Before Nightfall."

Regency, B'way at 67th. (724-3700)
Through Nov. 8: "A Bill of Divorcement" and "Intermezzo."
From Nov. 9: "Notorious" and "Rebecca."

Embassy 72nd St., B'way at 72nd. (SC 4-6745)
Through Nov. 11: "A Brief Vacation" and "The Garden of the Finzi-Continis."
From Nov. 12: "A Pain in the A.." and "The Front Page."

Loews 83rd St. 1, 2, and 3, B'way at 83rd. (877-3190)
Theatre 1: "Farewell, My Lovely."
Theatre 2: "The Way We Were."
Theatre 3: "Lisztomania."

New Yorker, B'way at 88th. (TR 4-9189)
Through Nov. 11: "Lenny" and "Last Tango in Paris."
From Nov. 12: To be announced.

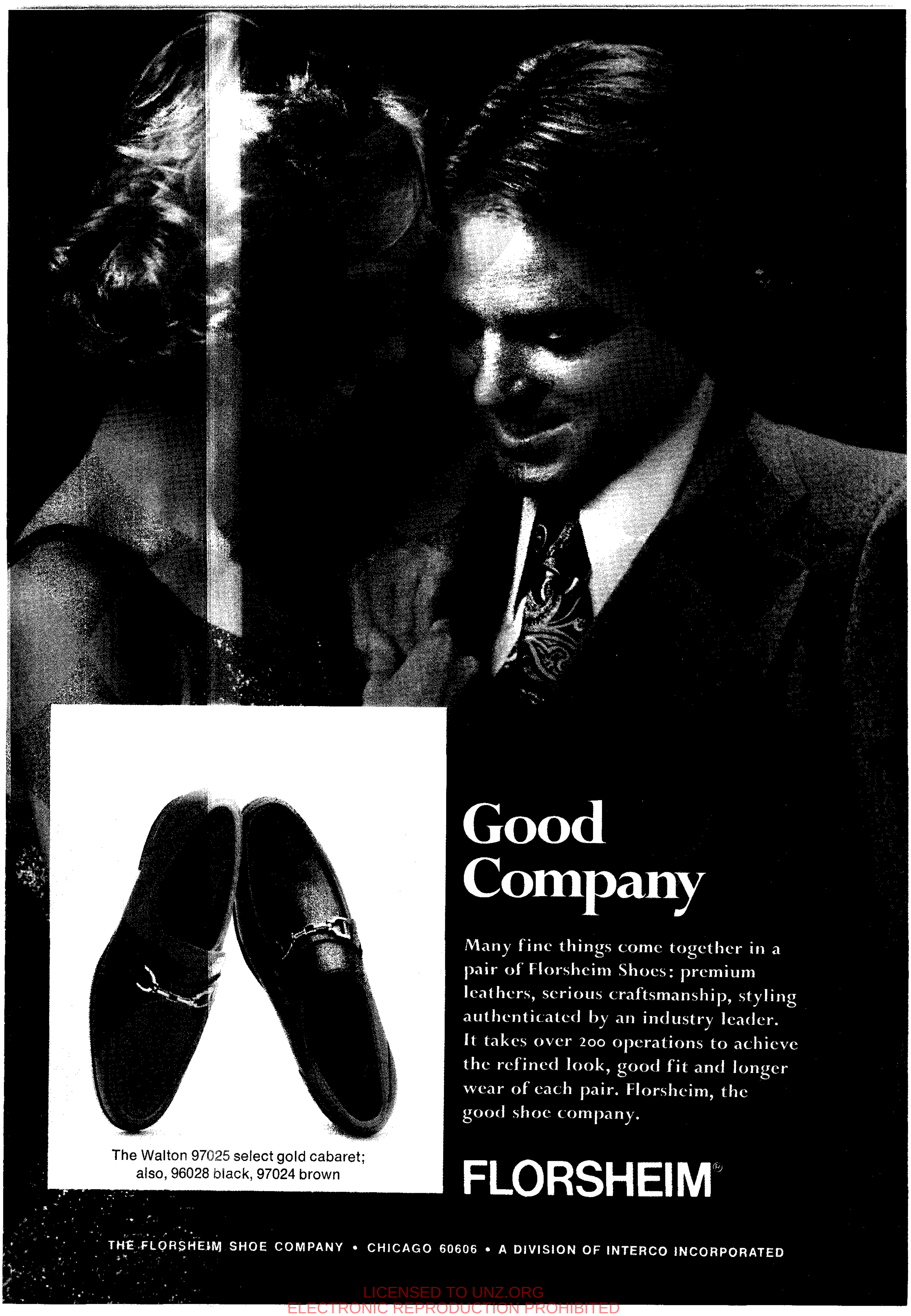
Symphony, B'way at 95th. (AC 2-6600)
"The Lion in Winter" and "A Touch of Class."

Thalia, B'way at 95th. (222-3370)
"No Way Out."

Olympia, B'way at 107th. (865-8128)
Through Nov. 11: "A Clockwork Orange" and "Deliverance."
From Nov. 12: "The Day of the Locust" and "Slither."

FILM LIBRARIES, ETC.

Museum of Modern Art, 11 W. 53rd St. (956-7078)—Nov. 6 at 2: "Rancho Notorious" (1952), directed by Fritz Lang, with Marlene Dietrich and Arthur Kennedy. . . . ¶ Nov. 6 at 5:30: "The Devil's Wheel" (1926), a Russian silent film, directed by Grigori Kozintsev and Leonid Trauberg, no English inter-titles; and "Love's Berries" (1926), a Russian silent film, directed by Alexander Dovzhenko, no English inter-titles. . . . ¶ Nov. 6 at 8: "The Middle of the Road Is a Very Dead End" (1975), in German, directed by Alexander Kluge; English subtitles. . . . ¶ Nov. 7 at 2: "Kastus Kalinovsky" (1927), a Russian silent film, directed by Victor Gardin; no English inter-titles. . . . ¶ Nov. 7 at 5:30: "Rancho Notorious.". . . ¶ Nov. 8 at noon: "Le Plaisir" (1952), in French, directed by Max Ophuls, with Jean Gabin; English subtitles. . . . ¶ Nov. 8 at 3: "Poet and Tsar" (1927), a Russian silent film, directed by Victor Gardin; no English inter-titles. . . . ¶ Nov. 8 at 5:30: "Kastus Kalinovsky.". . . ¶ Nov. 9 at noon and 3: Two different programs of cartoons by Bob Clampett. . . . ¶ Nov. 9 at 5:30: "Death Bay" (1926), a Russian silent film, directed by Abram Room; no English inter-titles. . . . ¶ Nov. 10 at noon: "Film Portrait" (1971), directed by Jerome Hill. . . . ¶ Nov. 10 at 2: "Poet and Tsar.". . . ¶ Nov. 10 at 5:30: "Ten Days That Shook the World" (1927), a Russian silent film, directed by Sergei Eisenstein and Grigori Alexandrov; English inter-titles. . . . ¶ Nov. 11 at noon: "Film Portrait.". . . ¶ Nov. 11 at 2: "The Eagle of the Caucasus" (1926), a Russian silent film, directed by Alexander Mikhin; no English inter-titles. . . . ¶ Nov. 13 at 2: "Gaslight" (1940), directed by Thorold Dickinson, with Anton Walbrook and Diana



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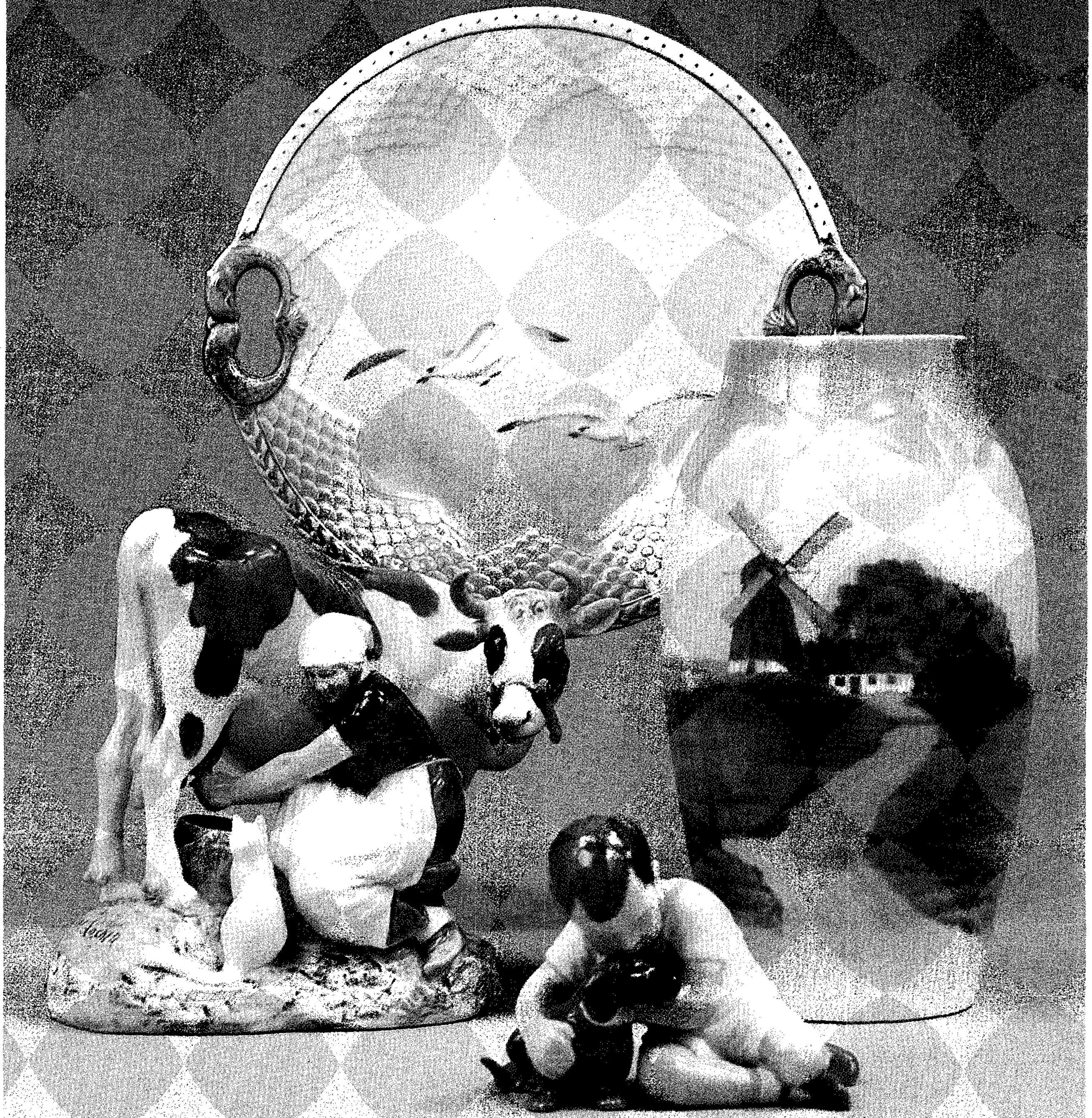

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Wynyard. . . . ¶ Nov. 13 at 5:30: "Girl with the Hat-Box" (1927), a Russian silent film, directed by Boris Barnet, with Anna Sten; English inter-titles. . . . ¶ Nov. 13 at 8: "Stride, Soviet!" (1926), directed by Dziga Vertov, and "One-Sixth of the Earth" (1926), directed by Dziga Vertov and Mikhail Kaufman; both Russian silent films, with no English inter-titles. (A limited number of tickets are available, but only to those applying for them in person at the museum after 11 on the day of the showing. Tickets for the showings at 8 will not be accepted before 7:30.)

Whitney Museum, 945 Madison Ave., at 75th St.—Through Nov. 11: "Places and Fantasies," a program of six short films. . . . ¶ Starting Nov. 12: "Space and Time," a program of five films by David Haxton and Louis Hock. Showings at noon (except Wednesdays), 1:30, 3, and 4:30 (plus 6 and 8 on Tuesday evenings). Call desk (794-0630) for ticket information.

Anthology Film Archives, 80 Wooster St. (226-0010)—Programs by Brakhage, Bresson, Breer, Baillie, Broughton, Cavalcanti, Buñuel, and others. Showings Nov. 5-6 at 6, 8, and 10; Nov. 7 at 6 and 8; Nov. 8 at 2:30, 6, and 8; Nov. 9 at 8; Nov. 11 at 6 and 8:30; Nov. 12 at 6; and Nov. 13 at 6, 8, and 10.

Film Forum, 15 Vandam St., three blocks south of Houston St., at Sixth Ave. (989-2994)—Nov. 6-9: Three films by Joyce Chopra. . . . ¶ Starting Nov. 13: Two films by Michael Rubbo. Showings Thursdays through Sundays at 8.

IN BRIEF

SEE ABOVE FOR THEATRE ADDRESSES AND TELEPHONE NUMBERS.
THE DATE OF REVIEW IN THESE PAGES IS GIVEN FOR FILMS LESS THAN TWO YEARS OLD.

L'Avventura (1959)—Antonioni's masterpiece, and one of the most influential of all modern films. A study of a successful businessman who compromises on everything and is too shallow even to be truly lonely. In Italian. (Bleecker St. Cinema; Nov. 12.)

Babes on Broadway (1941)—Busby Berkeley directed Judy Garland and Mickey Rooney in this engaging M-G-M backstage-musical fable. The nonsense story has considerable charm, and Garland and Rooney hoofing together are a happy sight. Vincente Minnelli, new to films, directed Garland's solos. (Theatre 80 St. Marks; Nov. 6-8.)

Bananas (1971)—Woody Allen directed, wrote (with Mickey Rose), and stars in this agreeable mess, which is slightly about revolution in a banana republic. The first half is often very, very funny. (Quad Cinema; through Nov. 11.)

Beauty and the Beast (1946)—Jean Cocteau's first full-length film is perhaps the most imaginative and charming of all fairy-tale movies. Jean Marais (in Christian Bérard's makeup) is a magnificent Beast; he lives in an enchanted landscape that suggests the sensuous elegance and extravagance of Gustave Doré. Josette Day is the delicate Beauty. Music by Georges Auric. In French. (Bleecker St. Cinema; Nov. 9.)

Benji—Loyalty tale about a mongrel, supposedly for children but hardly for anybody. (Guild; through Nov. 6.)

The Big Heat (1953)—It would be a routine cops-and-robbers thriller, but the director, Fritz Lang, gave it a formalized style and brought off a few stunningly executed nasty scenes. Glenn Ford is a cop who ignores the orders of the brass and investigates a gangster (Alexander Scourby). Scourby's men plant a bomb in Ford's car, and his wife (Jocelyn Brando) blows up. One of the gangsters (Lee Marvin) also throws scalding coffee at the high-living, tough-girl lush (Gloria Grahame). Ford leaves the Police Department, and with Grahame's aid he enables the film to accumulate corpses and arrests. With Carolyn Jones and Dan Seymour. (Carnegie Hall Cinema; Nov. 10.)

A Bill of Divorcement (1932)—The dialogue has the creaky sound of classy, overcivilized theatre; the film is just barely adapted from Clemence Dane's play about a father and daughter doomed by hereditary insanity—the kind of play in which the daughter is named Sydney Fairchild, her father Hilary Fairchild, and the daughter's boyfriend Kit. But as Sydney, Katharine Hepburn, in her film début, was like nothing that had ever been seen on the screen. It wasn't that she was good, exactly (in fact, her acting was mostly awful), but she was so angular and mannered, with her mouth a scar of suffering, that she was riveting. And John Barrymore, who plays the father, was a fairly riveting performer himself—though his role here is drearily subservient. Young George Cukor directed, in the insulated style all too appropriate to the vehicle; with David Manners (Kit, of course), Billie Burke, Bramwell Fletcher, and Elizabeth Patterson. (Regency; through Nov. 8.)

Black Moon—With Cathryn Harrison, directed by Louis Malle. (Little Carnegie.)

Black Orpheus (1959)—With Marpessa Dawn, directed by Marcel Camus. High baroque about feast days and nights in Rio, greatly admired in its time by the people who didn't find it suffocatingly lush. In Portuguese. (Carnegie Hall Cinema; Nov. 8.)

Blonde Venus (1932)—Marlene Dietrich in one of those forgettable stories about women who "sacrifice" their bodies for the noblest of reasons (sick husband Herbert Marshall, child Dickie Moore); the gangster she sells herself to is played by the young and not yet sufficiently stylized Cary Grant. The director, Josef von Sternberg, caps the silliness by putting Dietrich into a monkey suit to sing "Hot Voodoo"—a number that may define camp. With Sidney Toler as a detective, and Cecil Cunningham as a night-club hostess. (Carnegie Hall Cinema; Nov. 5.)

Borsalino (1970)—Alain Delon (who looks great in evening clothes) and Jean-Paul Belmondo as hoods in the Marseilles of the thirties. A handsome production, but the spoof falters. Jacques Deray directed. In French. (Elgin; Nov. 13.)

A Brief Vacation—Vittorio De Sica's final collaboration with the scriptwriter Cesare Zavattini was on this story of Clara (Florinda Bolkan), a resentful beaten-down Calabrian factory worker in Milan. Sent to a sanatorium in northern Italy to be cured of tuberculosis, she discovers art and spirituality, and from then on it's all swoony romanticism. In Italian. (Reviewed in our issue of 3/3/75.) (Juliet 1, and Embassy 72nd St.; through Nov. 11. . . . ¶ Art; starting Nov. 12.)

Bringing Up Baby (1938)—Lunatic comedies of the thirties generally started with an heiress. This one starts with an heiress (Katharine Hepburn) who has a dog, George, and a leopard, Baby. Cary Grant is a paleontologist who has just acquired the bone he needs to complete his dinosaur skeleton. George steals the bone, Grant and Baby chase each other around, the dinosaur collapses—but Grant winds up with Hepburn, and no paleontologist ever got hold of a more beautiful set of bones. The director, Howard Hawks, keeps all this trifling nonsense in such artful balance that it never impinges on the real world; it may be the American movies' closest equivalent to Restoration comedy. With Charles Ruggles as an explorer, Barry Fitzgerald as a drunk, May Robson as a dowager, Walter Catlett as a sheriff, and Fritz Field as a frenzied psychoanalyst. George is played by Asta, of "The Thin Man" series. The screenplay is by Dudley Nichols and Hager Wilde, from Wilde's story. This picture was the taking-off point for Peter Bogdanovich's comedy "What's Up, Doc?" (Cinema Village; starting Nov. 12.)

Burn! (1970)—Gillo Pontecorvo's emotionally charged epic about a slave revolt on a fictitious Caribbean island. Marlon Brando is the cynical representative of the British oppressors who instigates the revolt and then crushes it. Controversial, flawed, passionate. An attempt to plant an insurrectionary fuse within a swashbuckler. (Bleecker St. Cinema; Nov. 11.)

Citizen Kane (1941)—The Orson Welles film is generally considered the greatest American film of the sound period, and it's more fun than any other great movie. Based on the life of William Randolph Hearst, it is an exuberant, muckraking attack on an archetypal economic baron. With Welles, of course, and Joseph Cotten, Dorothy Comingore, Agnes Moorehead, and Everett Sloane. (Bleecker St. Cinema; Nov. 8.)

City Lights (1931)—The famous Chaplin item. The mime is wonderful, the lonely use of sound for a swallowed whistle at a party is wonderful, the sight gags are wonderful; the sentimentality about the blind girl is faintly frightening. (D. W. Griffith; Nov. 9-10.)

A Clockwork Orange (1971)—Cold and repellent. Stanley Kubrick's film might be the work of a strict and exacting German professor who set out to make a porno-violent sci-fi comedy. (St. Marks Cinema, Playboy, and Olympia; through Nov. 11.)

The Clowns (1971)—Fellini, and a glory. His view of the world has always been that it is like the circus—a land of buffoons, of wounds that deliver no hurt. This is the film that exactly and unsentimentally states it. There is a peculiar tenebrous undertow in the quality of the color, as there is in circuses. In Italian. (Bleecker St. Cinema; Nov. 6.)

Conduct Unbecoming—Michael Anderson directed this film version of Barry England's contrived courtroom play, set in a cavalry outpost in India in 1878. James Faulkner plays the junior officer accused of sexual assault on a regimental widow (Susannah York), and Michael York is the officer who defends him. The material has no real point or logic, though every now and then a line of dialogue pushes a button marked "Military Hypocrisy," or "Corruption of Colonialism," or "Subterranean Sex Perversion." The big-name cast includes Trevor Howard, Christopher Plummer, and Stacy Keach. (11/3/75) (Ziegfeld.)

The Conformist (1970)—Bernardo Bertolucci's extraordinarily rich adaptation of the Moravia novel, with Jean-Louis Trintignant as the aristocratic Fascist, Stefania Sandrelli as his deliciously corrupt, empty-headed wife, and Dominique Sanda as the tiger woman he would like to run away with. Bertolucci has a poet's gift for using objects, landscapes, and people expressively. In Italian. (Elgin; Nov. 7-8.)

The Conversation (1974)—Written and directed by Francis Ford Coppola. The freezing case history of a wiretapping-and-bugging expert, wonderfully played by Gene Hackman as a man riddled with Catholic guilt and depleted by continual secrecy and self-deception. A terrifying depiction of a ransacked spirit. (4/15/74) (Quad Cinema; through Nov. 11.)

Crime and Punishment (1935)—There's almost everything you can think of the matter with this Hollywood version, directed by Josef von Sternberg, but it has got a great Raskolnikov: Peter Lorre. He had only three roles that tapped his full talent—the child-murderer in "M," the hero in "The Face Behind the Mask," and this remarkably suggestive and witty Raskolnikov. Stolid Edward Arnold is embarrassingly miscast as Inspector Porfiry; if Harry Baur, who did the role in the thirties French version, had played opposite Lorre, the film might have caught fire. As the pawnbroker, Mrs. Patrick Campbell adds some distinction, but not much can be said for the Madonna lighting given to Marian Marsh's placid Sonya, or for the standard Hollywood performances of Elizabeth Risdon as Raskolnikov's mother, Tala Birell as his sister, and Gene Lockhart, Robert Allen, and Douglass Dumbrille. There's nothing Russian about them but the long-winded names by which they address each other. Lucien Ballard did the cinematography, in the stylized von Sternberg manner. (Carnegie Hall Cinema; Nov. 12.)

Daddy Long Legs (1955)—This story of a May-December romance between an adorable orphan and her benefactor was published in 1912; it became a 1914 play starring Ruth Chatterton, a 1919 silent movie with Mary Pickford, and a 1931 talkie with Janet Gaynor. By the time Leslie Caron and Fred Astaire made this Fox Cinema-Scope musical version, the accumulated adorableness was overpowering. Phoebe and Henry Ephron did their best to update the material, and Jean Negulesco directed; Roland Petit choreographed the far-from-original dream sequences. Johnny Mercer did come through with a new song, "Something's Gotta Give." With Thelma Ritter, Fred Clark, Larry Keating, and Terry Moore. (Carnegie Hall Cinema; Nov. 9.)

The Damned (1969)—Luchino Visconti's excruciating attempt at a masterpiece. Depravity in the Third Reich—grandiose, lurid, sluggish. (Elgin; Nov. 12.)

The Day of the Locust—John Schlesinger's over-blown version of Nathanael West's novel—an aesthete's view of society, set in Los Angeles in the thirties, in which the culturally debased people bring on the apocalypse. There wouldn't be much to remember from the movie if it weren't for a few of the performers—Burgess Meredith as an old vaudevillian, Billy Barty as a macho dwarf, and William Atherton in the thankless role of the artist Tod. (5/12/75) (Quad Cinema; through Nov. 11. . . . ¶ Gramercy, and Olympia; starting Nov. 12.)

Death in Venice (1971)—Visconti's film of the great Thomas Mann story of 1911, with Dirk Bogarde as Aschenbach, turned by Visconti from an author into a composer based on Mahler. The film is an odd mixture of unearthly beauty and almighty carrying-on, with something suffocatingly literal made of the purity of Aschenbach's love for the fourteen-year-old whom he meets at the Hôtel des Bains on the Lido. Many, many things here are wonderful, though. (Elgin; Nov. 12.)

Deliverance (1972)—A man's man of a film—written by James Dickey from his own best-selling novel, and directed by John Boorman—about four early-middle-aged men who go canoeing in Georgia in search of the vanishing countryside and of their own lost athleticism. In a crass way, the film embalms every male myth that ever weighted an analyst's couch. Jon Voight, Burt Reynolds, Ned Beatty, and Ronny Cox play in the movie, which is beautifully photographed in almost monochromatic color. (St. Marks Cinema, Playboy, and Olympia; through Nov. 11.)

The Devil Is a Woman (1935)—Marlene Dietrich as the universal siren in a Spanish shawl. Josef von Sternberg directs her in a clever, perversely dehumanized picture said to have been one of his favorites. With Lionel Atwill and Cesar Romero. (Carnegie Hall Cinema; Nov. 12.)

The Devil Is a Woman—The title is shared, but absolutely nothing else. In fact, the leading figure here (Glenda Jackson) is an authoritarian nun. Directed by Damiano Damiani. (68th St. Playhouse.)

Distant Thunder—With Soumitra Chatterji, directed by Satyajit Ray. In Bengali. (Reviewed in this issue.) (Beekman.)

Dog Day Afternoon—Sidney Lumet's intelligent though overgalvanized farce about a Brooklyn bank robbery carried out by Al Pacino as a homosexual named Sonny, and John Cazale as a droop-haired, literary-looking ex-con. The pure show-biz energy of the tale—based on a real New York episode—takes it sometimes into the realm of Broadway-comedy glibness, but the mask of frenetic cliché doesn't spoil moments of pure reporting on people in extremity. (9/22/75) (Cinema I.)

Don't Cry with Your Mouth Full—With Annie Colé, directed by Pascal Thomas. In French. (Carnegie Hall Cinema; Nov. 7.)

End of the Road (1970)—The John Barth 1958 novel is about a triangle in an academic setting, and the best scenes in the movie are the quiet ones that are closest to the spirit of the book. But most of the time the director, Aram Avakian, and his co-screenwriters, Dennis McGuire and Terry Southern, feverishly pound us with shock effects and heavyweight messages. Gordon Willis's camerawork is often beautiful, the optical effects are sometimes elegant, and the sets and details are often remarkably fine, but the absurdist point of view has too self-congratulatory a tone. Guns and American flags are the running shticks of the movie, and the performers (Stacy Keach as the catatonic hero, Dorothy Tristan, Harris Yulin, and James Earl Jones) are intercut with mushroom clouds, atrocities, and the moon shot. (Cinema Village; through Nov. 11.)

The Eternal Return (1948)—Jean Delannoy directed Jean Cocteau's modern-dress adaptation of the Tristan and Isolde story. Jean Marais, in a celebrated medieval-looking sweater, and the straight-silk-haired, snow-blond Madeleine Sologne are absurdly glamorous lovers; though the film has the decorative look of ballet and is heavy and stilted, they became the rage of Paris. With Yvonne de Bray and the dwarf Piéral. Music by Georges Auric. In French. (Carnegie Hall Cinema; Nov. 8.)

Exhibition—A documentary, by Jean-François Davy, about the public and private life of Claudine Beccarie, the French pornographic-film actress. X-rated. (Fine Arts.)

Farewell, My Lovely—And goodbye to this gorged latest remake of Raymond Chandler, too. With Robert Mitchum and Charlotte Rampling, directed by Dick Richards. (9/1/75) (Trans-Lux East, Waverly, and Loews 83rd St.)

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Fellini's Roma (1972)—This funeral ode to a poisoned city is often beautiful, but it's also fatuous and empty. Fellini appears to see himself as official greeter for the apocalypse. In English and Italian. (Bleecker St. Cinema; Nov. 6.)

Five Easy Pieces (1970)—Jack Nicholson plays the throw-out of a gifted, sedate family of musicians. He has the same musical gift, but prefers to squander it as he squanders his life. He has a delicate ear for auspicious beginnings, and when time gives out on him he knows how to run. Bob Rafelson directed. (Elgin; Nov. 6.)

The Fortune—Charmless slapstick farce, set in the twenties. Warren Beatty and Jack Nicholson are the mercenary clowns who fumble in their attempts to kill an heiress (Stockard Channing). Mike Nichols directed, from Adrien Joyce's screenplay. (Playboy; starting Nov. 12.)

The Four Musketeers—Richard Lester's cheerful solution of how to turn "The Three Musketeers," which ran four hours, into a manageable movie: he simply made two films of it. This is the second. Very likable, with Michael York as the extra musketeer, Roy Kinnear as the trudging dogsbody of the three others (Richard Chamberlain, Frank Finlay, Oliver Reed), Raquel Welch, and splendid comic performances by Faye Dunaway, caparisoned with ringlets, and, of all people, Charlton Heston (Cardinal Richelieu). Written by George MacDonald Fraser, author of the "Flashman" series. (3/31/75) (Elgin; Nov. 13.)

The Front Page—Ben Hecht's and Charles MacArthur's rowdy and marvellous dream of newspaper life, first produced on the stage in 1928, has here been diminished to the sloppy ordinary. Billy Wilder, the director, and his co-scenarist, I. A. L. Diamond, think that the way to make a dialogue comedy work for modern audiences is to convert the dialogue into noise; their version is a harsh, scrambling-for-laughs gag comedy. Walter Matthau, who gets a chance at a really classy American character—Walter Burns, the funny, mean, egomaniac editor—plays him like a whistle-stop Bear Bryant. Matthau, however, still gets his laughs. Jack Lemmon doesn't; his Hildy Johnson—the best reporter in Chicago—is like a mortuary assistant having a wild fling. There's only one freshly felt performance—Austin Pendleton as Earl Williams, the fuddled anarchist concealed in the famous rolltop desk. (1/27/75) (Embassy 72nd St.; starting Nov. 12.)

The Garden of the Finzi-Continis (1970)—Vittorio De Sica's lyric evocation of a vanished group of people (the cultivated, aristocratic Jewish-Italian landowners) and a vanished mood. Based on Giorgio Bassani's semi-autobiographical novel, the film records how Giorgio, a middle-class outsider (Lino Capolicchio), is drawn into the decaying, enchanted world of the Finzi-Continis by the imperious, contrary Micòl (Dominique Sanda); she and her languid brother (Helmut Berger) are spoiled, beautiful people without the will to save themselves. Perhaps the only film that records the halfhearted anti-Jewish measures of the Mussolini period—which were, however, sufficient to wipe out the Finzi-Continis and all they represented. In Italian. (Embassy 72nd St.; through Nov. 11. . . . ¶ Elgin; Nov. 7-8. . . . ¶ Art; starting Nov. 12.)

Going Places (1974)—Gérard Depardieu and Patrick Dewaere as two Rabelaisian young layabouts who serve as tokens of the pursuit of void pleasures. They spend their time on a spree of truancy and shoplifting—teasing middle-aged women, stealing cars, making idle love to a girl whom they cruelly call frigid when they have always treated her abominably. They say to themselves that they are having fun, but this is bluster. So is a lot of the film, in its desolately aimless way. Jeanne Moreau, as an ex-convict, provides the one gleam of fire and poise. Directed by Bertrand Blier from his own novel. In French. (5/20/74) (Elgin; Nov. 11.)

The Good Earth (1937)—Pure M-G-M, and a piece of Hollywood history. A studio expedition to China brought back two million feet of atmospheric shots and eighteen tons of costumes, native animals, dismantled farmhouses, and a village shrine. Then five hundred California acres were landscaped and terraced to simulate a Chinese farm, locusts were rented for a scourge, and Occidentals were chosen for the leads, with Orientals cast in the supporting roles. Luise Rainer, who had taken an Academy Award for her Anna Held in "The Great Ziegfeld," won another for her affecting performance as the stoic O-Lau, the wife of Wang (Paul Muni) who becomes infatuated with Lotus, the dancer (Tilly Losch, who does a lot of finger-twirling). Walter Connolly plays a scoundrelly uncle, and Charley Grapewin is the family patriarch. The babies are actually Chinese. From Pearl Buck's novel; directed by Sidney Franklin, with his usual lack of distinction. (Theatre 80 St. Marks; Nov. 9-10.)

Greaser's Palace (1972)—Robert Downey wrote and directed this comic extravaganza, which is very, very slow and more humorous than exactly funny, with none of Downey's earlier cock-a-hoop, lazily satiric style. (Bleecker St. Cinema; Nov. 7.)

The Great Dictator (1940)—Chaplin plays a small-time Jewish barber and doubles as a mock Hitler called Hynkel, dictator of Tomania, who argues with Napaloni, dictator of Bacteria. He is helped on by Herring and Garbitsch. The notion of a 1940 farce about Hitler and anti-Semitism works out much less queasily than it sounds. The famous sequence when Hynkel lies on his back and tosses around a balloon inscribed with a map of the world is a miracle of high-flying, mordant fun. But the last impassioned speech about peace and unity still wrecks everything that has gone before; Chaplin mawkish can always overrule Chaplin the innocent mime. (D. W. Griffith; Nov. 7-8.)

Hard Times—This first feature directed by the young screenwriter Walter Hill is unusually effective pulp—perhaps even great pulp. Looking like an authentic Depression worker, Charles Bronson plays an aging itinerant who hooks up with a gambler (James Coburn) and fights—bare-fisted, no-holds-barred—for gambling stakes. Hill gets our hearts pounding in fear that this loner-hero will be hurt or vanquished, but you don't resent the film's grip on you, because Hill respects the loner-underdog myth. Shot on locations in and around New Orleans; with Strother Martin as a hophead medic, and Jill Ireland. (10/6/75) (Baronet.)

Harold and Maude (1971)—The love story of Harold (Bud Cort), almost twenty, and Maude (Ruth Gordon), almost eighty. Directed by Hal Ashby. (Elgin; Nov. 9.)

Hearts of the West—Jeff Bridges is just the right actor to play Lewis Tater, an Iowa farm boy who writes Western stories and aspires to be like his idol, Zane Grey. Lewis leaves home in 1929, heads toward the land of his purple-prose dreams, and stumbles into a job as a stuntman in Western pictures directed by a penny-pinching hysteric played by Alan Arkin. This nostalgia comedy has an eccentric enchantment to it. The troupe of cowboy actors, headed by Andy Griffith, is the most engaging ensemble since the Dead End Kids, and the heroine, a script girl, is played by wide-eyed Blythe Danner, who is reminiscent of both Margaret Sullavan and Jean Arthur. The people and the atmosphere are so good that one wants more of them; the rinky-dink chase plot isn't needed at all, and there are also unnecessary complications involving Herbert Edelman, as a movie producer, and Donald Pleasence, as a Western-pulp publisher. But it's a film that plays on in the mind. Howard Zieff directed, from Rob Thompson's script. (10/13/75) (Sutton. No evening performances on Monday, Nov. 10.)

Hester Street—With Steven Keats and Carol Kane, directed by Joan Micklin Silver. (Plaza.)

Intermezzo (1939)—David O. Selznick, who arranged this début for Ingrid Bergman in English-speaking films, wasn't going to take any chances; it's a remake of a picture she'd already had a hit with in Sweden, in 1936. Selznick even retained the same slurpy "haunting" theme music. Leslie Howard is the wan and renowned violin virtuoso, af-

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flicted with the boredom of fame and domestic bliss with his beloved, understanding wife (Edna Best). He falls in love with Bergman, his daughter's piano teacher. Handsome and eager, she's a brilliant young pianist who becomes his accompanist. On a tour of the concert halls of Europe, the two combine business with passion, though at last the finer overtones of conscience separate them. The crisis occurs in a picturesque Mediterranean village—Selznick saw to it that the romantic upheavals of such artistic people got the smartest settings—and there are snacks of Brahms, Liszt, and Grieg to buoy up the cultural tone. The film's only real claim on anyone's attention was Bergman, whose natural look (full eyebrows, and even a shine on her nose) seemed revolutionary. Gregory Ratoff directed; Gregg Toland was the cinematographer. With John Halliday. (This drippy thing was remade again just a few years ago.) (Regency; through Nov. 8.)

Journey Into Fear (1943)—Orson Welles, Joseph Cotten, Dolores Del Rio, and Agnes Moorehead in a spy story about smuggling munitions into Turkey. Directed by Norman Foster, but Welles had a large hand in the script and supervised the production, and his command of film vocabulary gleams through. (Carnegie Hall Cinema; Nov. 6.)

Just Before Nightfall—Ostensibly about a sado-masochistic killing by a rather down-at-the-mouth bourgeois named Charles (Michel Bouquet), who strangles—at her request—the wife (Anna Douking) of his best male friend (François Périer). Charles' wife (the witty Stéphane Audran) administers to his neglected sense of guilt by giving him, at his wordless bidding, a fatal dose of laudanum. So goes the schematic balancing of Claude Chabrol's most ironic and chillingly blasé film. But it quickly turns out to be less about perverted sexuality than about the notions of heresy, reprisal, repentance, and redemption that have steadily fascinated Chabrol. In French. (8/4/75) (Cinema Studio.)

The Killing of Sister George (1968)—An English comedy about lesbianism, starring Beryl Reid, playing a jolly, butch woman in music-hall style, and Susannah York, as her beautiful, lyric chum, acting in another style altogether. The play was good, slithering skillfully between the mockery of television sweetness and bitchy humor, but the specious seriousness of the picture wrecks the comedy, and its attack on conventionality seems pretty hollow. (Elgin; Nov. 5.)

A King in New York (1957)—Maybe the worst movie ever made by a celebrated film artist. Chaplin mugs archly as King Shadhov, a deposed Ruritanian monarch who becomes a TV celebrity in New York. With Dawn Addams, Harry Green, and young Michael Chaplin, from whom his father coaxed a grotesque performance. (D. W. Griffith; through Nov. 6.)

The Last of Sheila (1973)—An urbanized show-biz thriller set on a yacht owned by a games-playing maniac (James Coburn). His guests include Richard Benjamin, Dyan Cannon, James Mason, Joan Hackett, Ian McShane, and Raquel Welch. Written by Stephen Sondheim and Anthony Perkins in a vein of brainy "in" conversation. There is a touch of bully-worship about the clever story, as there is about most sophisticates' games-playing. (Elgin; Nov. 5.)

Last Tango in Paris (1972)—There has never been anything else like it. Bernardo Bertolucci directed; the stars are Marlon Brando and Maria Schneider. In French and English. X-rated. (New Yorker; through Nov. 11.)

Lenny (1974)—The earnest Bob Fosse film starring Dustin Hoffman is for audiences who want to believe that Lenny Bruce was a saintly gadfly who was martyred for having lived before their time. Hoffman makes a serious, honorable try, but he's the wrong kind of actor to play Bruce. Hoffman is a nice boy; Bruce was uncompromisingly not nice. Valerie Perrine is touching as Honey, and Gary Morton has a fine bit as the type of comic who knew how to keep his public happy. (11/18/74) (New Yorker; through Nov. 11.)

Let's Do It Again—This innocent, cheerful farce about an Atlanta milkman (Sidney Poitier) and a factory worker (Bill Cosby) who go to New Orleans and pull off a great scam is like a black child's version of "The Sting." The con involves hypnotizing a spindly prizefighter, played by Jimmie Walker, of TV's "Good Times," in his first screen role. Cosby looks spaced out on his own innocent amiability, and he floats away with the show; Poitier, who directed, plays straight man to him and gives an embarrassed, unfunny performance. It's crude slapstick, but the people on the screen are very likable. The cast includes Ossie Davis, Julius Harris, Mel Stewart, John Amos, Lee Chamberlin, Denise Nicholas, and Calvin Lockhart. (11/3/75) (86th St. East, and Festival.)

Lies My Father Told Me—A Canadian film, with Yossi Yadin. Directed by Jan Kadar. (Paris.)

The Life of O-Haru (1952)—This Mizoguchi film—his own favorite—took a grand prize at Venice. Kinuyo Tanaka (the wife in "Ugetsu") stars in the story of a woman's life in feudal society; the beautiful daughter of a rich merchant falls from palace wife to prostitute. In Japanese. (Bleecker St. Cinema; Nov. 10.)

Limelight (1952)—Chaplin's sentimental and high-minded view of theatre and himself. His exhortations about life, courage, consciousness, and "truth" are set in a self-pitying, self-glorifying story. As Calvero the clown, he at one point awaits a young ballerina (acted with authority by Claire Bloom, in her movie début, and danced with authority by Melissa Hayden); in the darkened theatre after she has performed he says to her, "My dear, you are a true artist, a true artist," and the emphasis is on *his* eyes, *his* depth of feeling. This false humility is integral to the film's unpleasant egotism. With Sydney Chaplin, Nigel Bruce, Norman Lloyd, André Eglevsky, and, all too briefly, Buster Keaton. (D. W. Griffith; Nov. 7-8.)

The Lion in Winter (1968)—Imitation wit and imitation poetry at the court of the Plantagenets. Anthony Harvey directed James Goldman's adaptation of his own play. Peter O'Toole is in great voice and good spirits as Henry II; Katharine Hepburn is Eleanor of Aquitaine. (Trans-Lux 85th St., and Symphony. . . . ¶ 8th St. Playhouse; through Nov. 11.)

Lisztomania—With Roger Daltrey, directed by Ken Russell. (Loews 83rd St. . . . ¶ Quad Cinema; through Nov. 11.)

Little Murders (1971)—Jules Feiffer's satirical comedy about urban decay and living between assassinations has become fairly gross in this movie version, directed by Alan Arkin. Elliott Gould is the catatonic hero. (Elgin; Nov. 9.)

Love and Death—Woody Allen's imperially funny new picture is set in the land of "War and Peace" and "Crime and Punishment." Mr. Allen, who both wrote and directed this beautiful picture (photographed by Ghislain Cloquet), plays a nineteenth-century aristocrat of radical leanings. The love of his life is his remote cousin Sonja (Diane Keaton), who shares his habit of falling into talk of the epistemological when what they would both rather fall into is bed. (6/16/75) (72nd Street East, and Quad Cinema; through Nov. 11.)

The Magic Christian (1970)—The Terry Southern novel, in a slovenly version, directed by Joseph McGrath, that never quite seems on target. There are funny moments, but they don't add up to enough. With Peter Sellers, Ringo Starr, Laurence Harvey, Spike Milligan, Raquel Welch, Leonard Frey, and Christopher Lee. (Cinema Village; through Nov. 11.)

The Magic Flute—The Mozart opera. Directed by Ingmar Bergman. In Swedish. (Coronet; starting Nov. 11.)

The Magnificent Ambersons (1942)—Orson Welles' second film has greater depth than "Citizen Kane," though it doesn't have the driving force that might have held it together. Working from the Booth Tarkington novel, Welles achieved some great sequences of family life. Tim Holt plays the mother-fixated son who falls from the American aristocracy to the working class; Dolores Costello is his mother; Agnes Moorehead is his nervous old-maid aunt. With Richard Bennett as the family patriarch, Joseph Cotten, Anne Baxter, and Ray Collins. (Bleecker St. Cinema; Nov. 8.)

Mahogany—Diana Ross in a garish, garbled version of outmoded white kitsch. As a secretary from the South Side of Chicago, who becomes the first black model to crack the color bar and goes on to be a whirling international celebrity as well as a terrific haute-couture designer, and then gives it all up to help her black lover (Billy Dee Williams) fight to improve conditions at home, she has an over-achiever debauch. The decadent whites who paw her or bitch at her include Tony Perkins, Nina Foch, Marisa Mell, and Jean-Pierre Aumont. Berry Gordy directed this setback to Ross's talent; he seems to have worked from a do-it-yourself kit. (10/27/75) (34th St. East, and Loews Orpheum.)

Marie Antoinette (1938)—A resplendent bore. M-G-M built a grand ballroom that was several feet longer than the original at Versailles, and Adrian designed twelve hundred and fifty gowns, as well as costumes for two poodles. The efforts to create a sympathetic interpretation of Marie that would be suitable for Norma Shearer—M-G-M's "first lady" and, as Irving Thalberg's widow, a large stockholder—resulted in a lugubriously noble central character. Since King Louis XVI (Robert Morley) wasn't much of a love interest, Shearer was given Tyrone Power (as a Swedish count) for a bit of romance; meant for leavening, this doomed affair only adds to the soggy weight. W. S. Van Dyke directed; with John Barrymore, Gladys George, Anita Louise, and Joseph Schildkraut. (Theatre 80 St. Marks; starting Nov. 13.)

Milestones—An acted-out, cross-section view of what the young radicals of the sixties are doing in the seventies—how they're trying to find a revolutionary way of life. It's so long (195 minutes) and so miserably structured that the viewer can't tell who is living with whom, or where, or what the economic base of any of the groups is. The directors, Robert Kramer and John Douglas (who also wrote and edited the film), cut back and forth among people living in communes and burned-out apartments and on the road, who talk about their feelings, and the need to be open about those feelings, in banal, strangely indirect and abstract terms. It's all so maundering and haphazard that it looks like an after-apocalypse movie; this is certainly part of the point, but we never get to understand what the directors' principles of selection were. With Douglas playing a blind potter, Grace Paley playing a filmmaker, and David C. Stone as Joe, of Joe's Bar. (Quad Cinema; through Nov. 11.)

Mr. Quilp—A musical version of Charles Dickens' "The Old Curiosity Shop." With Anthony Newley, who also did the music and lyrics. Directed by Michael Tuchner. (Guild; starting Nov. 7.)

Modern Times (1936)—Chaplin, in beautiful form. (D. W. Griffith; Nov. 9-10.)

Monsieur Verdoux (1947)—Chaplin as a deft, fastidious Bluebeard in a comedy with attempted Shavian ironies: this private entrepreneur of murder feels guiltless, and contrasts what he does with what governments do in war. "Numbers sanctify," he says. Chaplin is more talented at carrying out his pantomime bits than in the talky passages, which are meant to be complexly unsettling and come across as turgid. The casting is not all it might be, with the glorious exception of Martha Raye as Annabella, who is so full of low-comedy life that, despite all Verdoux's calculations and one attempt after another, he fails to kill her. It's not exactly a work of movie art, but it's so special a film that maybe it deserves to be called a classic. (D. W. Griffith; through Nov. 6.)

Morning Glory (1933)—Katharine Hepburn got her first Academy Award for her performance as "Eva Lovelace"—the name taken by a girl who comes to New York obsessively determined to become a great actress. It's a strange, ambivalent study of that lying-cheating kind of determination, taken from a play by Zoë Akins and directed by Lowell Sherman. With Douglas Fairbanks, Jr., and Adolphe Menjou. The picture was remade in the late fifties as "Stage Struck," starring Susan Strasberg. (Cinema Village; starting Nov. 12.)

Murmur of the Heart (1971)—An exhilarating high comedy—Louis Malle's portrait of the artist as a young dog is also probably the wittiest study of French bourgeois life. With Lea Massari as the enchantingly permissive mother. In French. (Carnegie Hall Cinema; Nov. 7.)

Nashville—Robert Altman's crowning work so far. The rangy story is set in Nashville, Ten-

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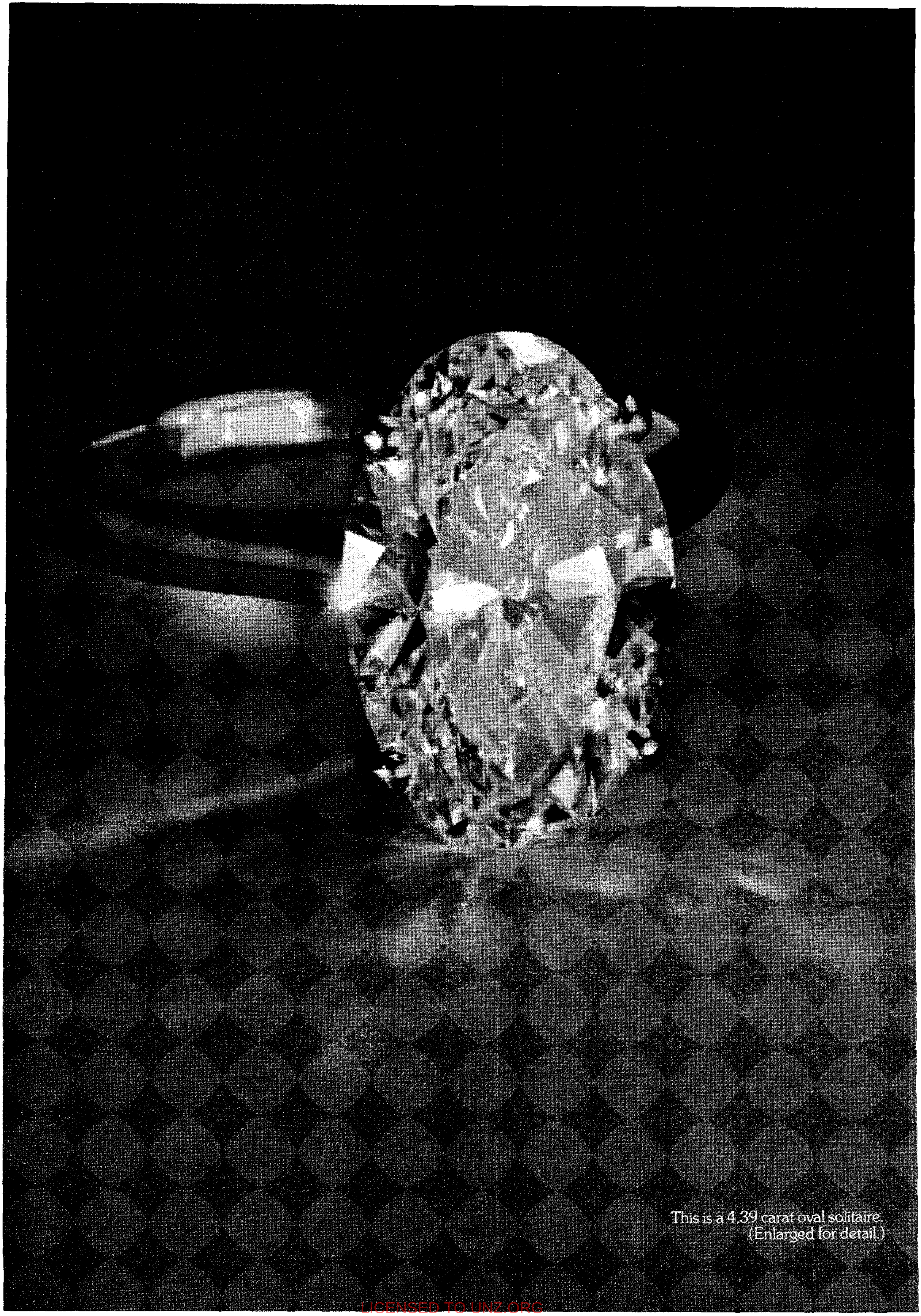
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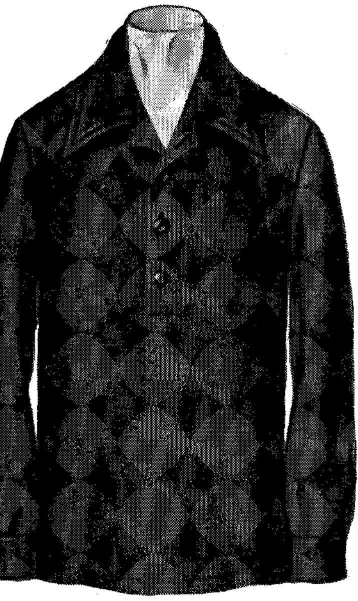

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nessee; the twenty-four characters are simultaneously caught up in the country-and-Western music industry and in local politicking on behalf of a Wallace-like Presidential candidate. Altman uses improvisation, many cameras, and multi-track sound recordings to the hilt. Wonderful performances by Ronee Blakley, Lily Tomlin, Barbara Harris, and Henry Gibson. "Nashville" is not the explanation of America to itself that it purports to be, but it is enlivening in its detail. (3/3/75 and 6/16/75) (Art; through Nov. 11.)

Nights of Cabiria (1957)—A series of episodes in the life of a shabby, gullible little Roman streetwalker (Giulietta Masina). Arguably Fellini's finest picture. (It was the basis for the American musical "Sweet Charity.") In Italian. (Elgin; Nov. 10.)

Notorious (1946)—Alfred Hitchcock's amatory thriller stars Ingrid Bergman as the daughter of a Nazi, a shady lady who trades secrets and all sorts of things with American agent Cary Grant. The suspense is terrific: Will suspicious, passive Grant succeed in making Bergman seduce him, or will he take over? The honor of the American male is saved by a hairbreadth, but Bergman is literally ravishing in what is probably her sexiest performance. With Claude Rains, Louis Calhern, Madame Konstantin; script by Ben Hecht. Great trash, great fun. (Regency; starting Nov. 9.)

No Way Out—With Alain Delon and Richard Conte, directed by Duccio Tessari. (Eastside Cinema, U.A. East, Greenwich, and Thalia.)

The Odessa File (1974)—With Jon Voight and Maximilian Schell, directed by Ronald Neame. (Playboy; starting Nov. 12.)

One-Eyed Jacks (1961)—Marlon Brando, the Great Unpredictable, is both star and director of this Western about a bandit whose only purpose is to kill his former partner. As the prospective victim, Karl Malden makes a tough and worthy antagonist. Katy Jurado and Pina Pellicer, a young Mexican actress, give aid and comfort to the two enemies. (Bleecker St. Cinema; Nov. 11.)

Our Blushing Brides (1930)—The title is deceptive: it's a lavish, lively popular film of the period, about whether working girls ought to Take the Easiest Way or Wait for Mr. Right. Joan Crawford, Anita Page, and Dorothy Sebastian are the roommates who work in the same department store (the vivacious Crawford as a model, the other two as clerks). Their dreams of luxury get them in trouble with, respectively, Robert Montgomery, Raymond Hackett, and John Miljan. It's high-mindedly moral but not seriously so, with an arrest for theft, a suicide, a fashion show on a Long Island estate, and an Albertina Rasch ballet all tossed in together entertainingly. Harry Beaumont directed; the writers were Bess Meredyth and a pre-Marxist John Howard Lawson. With Hedda Hopper, Martha Sleeper, Albert Conti, Edward Brophy, and, among the mannequins, Claire Dodd. (Theatre 80 St. Marks; Nov. 5.)

A Pain in the A..—Fairly funny French farce about a would-be suicide (Jacques Brel) and a gun-assembler (Lino Ventura) who occupy adjoining hotel rooms as they try to carry out their respective purposes. (9/1/75) (In French, with subtitles, at the Embassy 72nd St.; starting Nov. 12. . . . ¶ In dubbed English at the R.K.O. 59th St. Twin 2; through Nov. 6.)

The Painted Veil (1934)—Richard Boleslawsky directs Garbo. The story is Maugham's, set in his own fantasized East-of-Suez; the script is pretty fearful, but Garbo works as well as ever, dispensing immortal strength to Herbert Marshall as her husband and George Brent as her lover. She deserves as many men as she wants, you always feel, and could carry the male half of mankind on her yoke-shaped collarbone. (Theatre 80 St. Marks; Nov. 9-10.)

Palm Beach Story (1942)—One of the giddiest and most chaotic of Preston Sturges's satiric orgies. The romantic problems of the leads (Joel McCrea and Claudette Colbert) get shoved aside by the secondary characters. Colbert, travelling by train, becomes involved with a bunch of drunken millionaires—members of the "Ale and Quail Club," on board with their hounds and guns—who stage an informal skeet shoot in the club car and demolish the glassware. Sturges's comic invention soars, but the picture is too wild to be sustained; still, it's a joy, despite the lulls of waggish humor. With Mary Astor, Rudy Vallée, and the Sturges stock company, including William Demarest, Franklin Pangborn, and Jimmy Conlin. (Bleecker St. Cinema; Nov. 5.)

The Passenger—Antonioni's film about an estranged London TV-news reporter for whom everything has staled—work and personal life both. The reporter is on the track of a story in a remote part of Africa. He seizes the chance to exchange his identity for a dead man's, and takes on the dead man's slowly revealed undercover missions. Jack Nicholson, as the reporter, gives a performance that is a marvel of insight. With Maria Schneider. (4/14/75) (Gramercy; through Nov. 11. . . . ¶ St. Marks Cinema; starting Nov. 12.)

Payday (1973)—A fine film, too long neglected. Shot entirely on location in Alabama, it is an acrid, hardboiled melodrama with a feeling for authentic characters and details. An exceptionally functional script, by the novelist Don Carpenter, makes it possible for the director, Daryl Duke, to cover the grimy country-music scene of a small-time recording star—a goaty, rancidly unromantic third-rate Johnny Cash. Rip Torn, with his smirking satyr grin, will probably never have a role that suits him better. (Elgin; Nov. 6.)

Pierrot le Fou (1965)—Jean-Luc Godard's unresolved, disturbing film. The narrative encompasses a satire of advertising, an existential stalemate, political violence, and romance, all shot—in color—in a hard-edge style. With Jean-Paul Belmondo and Anna Karina. In French. (Bleecker St. Cinema; Nov. 13.)

Playtime (1968)—Jacques Tati's most innovative work. M. Hulot is still here—high-belted trousers, short raincoat, loping walk, as if he were braced to smash a tennis volley—but his importance has receded, because Tati's view is that the hero of modern urban life is everybody. He sees something comic in every character in the picture, without ridicule, and he says something acute and physically eloquent about movement. (Carnegie Hall Cinema; Nov. 11.)

Private Lives (1931)—Early talkie attempt at glittering theatrical sophistication, and, somehow, M-G-M brought it off this time. This version of the Noël Coward play was made soon after the play came out, and perhaps the play's style and excitement carries the cast along. Norma Shearer isn't so bad, and Robert Montgomery is very, very good. It was a dazzling success. Sidney Franklin directed; with Reginald Denny. (Theatre 80 St. Marks; starting Nov. 13.)

Putney Swope (1969)—A mostly funny, haywire farce by Robert Downey about an advertising agency called Truth & Soul, Inc. Putney Swope is a weary-looking black, hoisted into the chairman's seat by a bad accident of boardroom voting. Things thereupon explode. (Bleecker St. Cinema; Nov. 7.)

Rebecca (1940)—Magnificent romantic-gothic corn, full of Alfred Hitchcock's humor and inventiveness. It features one of Laurence Olivier's rare poor performances, but even when he's bad he's more fascinating than most actors. With Joan Fontaine, giving one of her rare good performances, and Judith Anderson (as Mrs. Danvers), George Sanders, Florence Bates—all three in superb form. From Daphne du Maurier's novel. (Regency; starting Nov. 9.)

Red Desert (1965)—Boredom in Ravenna, and it seeps into the viewer's bones. Antonioni's hazy illustration of emotional chaos may or may not have something to do with industrialism; he makes the hazy, polluted atmosphere so exquisite that one can't decide. With Monica Vitti and Richard Harris. In Italian. (Bleecker St. Cinema; Nov. 12.)

Rooster Cogburn—Just about the worst. A Western shoot-'em-up, with John Wayne wallowing in the role of the one-eyed U.S. marshal carried over from "True Grit." Katharine Hepburn—her role lifted bodily from "The African Queen"—plays the schoolteacher-daughter of a missionary to the Indians. When Wayne and Hepburn spar, it's mortifyingly blunt vaudeville, and their inevitable mutual admiration comes all too coyly soon. Stuart Millar directed, from a script written by the producer Hal Wallis, his wife, Martha Hyer, and others; they all hid—as well they should have—under the pseudonym Martin Julien. (11/3/75) (Loews Ciné.)

Royal Flash—Richard Lester directs George MacDonald Fraser's adaptation of one of his novels celebrating the inglorious career of Captain Harry Flashman of the 11th Hussars (Malcolm McDowell), a rotten, snivelling Victorian coward. It's a parody of movie heroics, especially of "The Prisoner of

Zenda," but Lester is on his own antic wavelength, and he doesn't try to tune us in. The characters don't care about each other, and we don't care about any of them. With Oliver Reed, Alan Bates, Britt Ekland, Florinda Bolkan, Alastair Sim, and Lionel Jeffries. (10/13/75) (Coronet; through Nov. 10.)

SAPS AT SEA (1940)—Those two lovely men, Laurel and Hardy, in a late "gag" comedy which, unfortunately, draws on the same kind of material others were using. With James Finlayson and Ben Turpin. (D. W. Griffith; starting Nov. 11.)

THE SCARLET EMPRESS (1934)—Josef von Sternberg turned the story of Catherine the Great into what he himself called a "relentless excursion into style;" the décor and the visual motifs became the stars, and Marlene Dietrich was used as a camera subject instead of as a person. She's photographed behind veils and fishnets, while dwarfs slither about and bells ring and everybody tries to look degenerate. Von Sternberg had a peculiar notion that all this showy pomposity proved that film was an art medium. The picture is egocentric and empty of drama, yet it has the fascination (and the tediousness) that bizarre, obsessional movies often have. Sam Jaffe, in a fright wig and smiling like a death's head, plays mad, crippled Peter; Dietrich's daughter, Maria Sieber, appears in the opening scenes as the young Catherine; John Lodge, with dashing long hair and a mustache, swaggers about in furs. With Louise Dresser, strangely folksy as the old Empress, and Jane Darwell, Gavin Gordon, and C. Aubrey Smith. (Carnegie Hall Cinema; Nov. 5.)

SLITHER (1973)—The first feature directed by the advertising ace Howard Zieff is a suspense comedy with a prickly, fleahopping humor—a sort of fractured hipsterism. As the thick-witted hero looking for the fortune promised him by an embezzler, James Caan demonstrates some of the best double takes in modern movies. The plot is tired, and the picture never delivers on its promise, but the gags are sneaky and offbeat, and the cast is full of crazies. With Peter Boyle, Louise Lasser, Allen Garfield, Richard B. Shull, and Sally Kellerman, as a speed freak. From an original script by W. D. Richter. (Olympia; starting Nov. 12.)

SMILE—A fresh, mussed-up comedy about the California finals of a national "Young American Miss" contest. The film is an affectionate satirical salute to the square; though we laugh at the gaffes of the rawboned teen-age girls, the laughter isn't cruel. With Bruce Dern as the chief judge, Barbara Feldon as the girls' den mother, Michael Kidd as the choreographer brought in to stage the beauty pageant, and several talented new actresses—Maria O'Brien, Joan Prather, and Annette O'Toole. Michael Ritchie's direction is highly variable in quality, but he's a whiz at catching details of frazzled behavior. The script is by Jerry Belson. (10/6/75) (Murray Hill, Columbia II, and Paramount.)

STATE OF THE UNION (1948)—Katharine Hepburn and Spencer Tracy in a large, expensive, political melodrama with satirical and romantic overtones, based on the play by Howard Lindsay and Russel Crouse, and directed by Frank Capra. Tracy is the Republican candidate for the Presidency, and she's his estranged wife, who agrees to come home for appearance's sake to help him win the election. It's a shallow but generally entertaining show, with lots of devious characters (such as Angela Lansbury and Adolphe Menjou) doing dirty deeds. Hepburn is wasted in her pillar-of-rectitude role, but she's still a dervish of a performer, and more fun to watch than just about anybody else who might have played it. Van Johnson, Lewis Stone, and Raymond Walburn are in the cast, along with such troupers as Marion Martin and Tom Pedi. If you want to see what Arthur O'Connell looked like when he was younger, watch for the reporter who turns up. (Theatre 80 St. Marks; Nov. 11-12.)

SUCH A GORGEOUS KID LIKE ME (1973)—Truffaut, and by no means at his best. The heroine, played by Bernadette Lafont, capsizes the meagre possibilities of the original Henry Farrell book about an amoral nymphomaniac who seizes the love of an innocent sociologist by seeming as hard as nails, whereas the sociologist sees her as a victim of a rotten childhood. The theme of the too easily beguiled intellectual strikes one as rather overworked, though there are five or six wonderful Truffaut scenes. In French. (Elgin; Nov. 11.)

SULLIVAN'S TRAVELS (1941)—Preston Sturges's comedy about a popular Hollywood director (Joel McCrea), who feels that his hits, such

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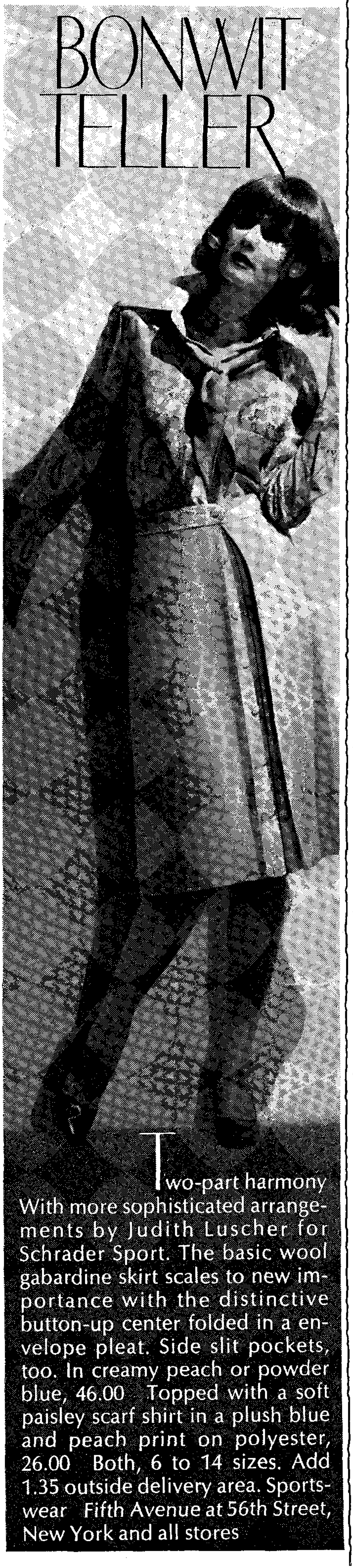

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as "Ants in the Pants," aren't worthy of a war-devastated world. To research his next project, a relevant film to be called "Brother, Where Art Thou?," he gets dressed as a tramp and goes out to investigate the lower depths. Sturges is more at home in slapstick irony (as in "The Lady Eve") than in the mixed tones of this comedy-melodrama, but it's a memorable film nevertheless. With Veronica Lake, underacting with perfect composure. (Bleecker St. Cinema; Nov. 5.)

Summer Stock (1950)—The emotional rapport of Judy Garland and Gene Kelly transforms the story materials, which are far from fresh; it's the old gimmick about staging a show in a barn, and the whole thing is corny and simple-minded, but Garland and Kelly make their scenes new. The cast includes Phil Silvers, Gloria De Haven, Eddie Bracken, and Marjorie Main; the songs include "You Wonderful You." Charles Walters directed. (Theatre 80 St. Marks; Nov. 6-8.)

The Sunshine Boys—Based on Neil Simon's play. With Walter Matthau and George Burns. Directed by Herbert Ross. (Music Hall; starting Nov. 6.)

Swept Away—Lina Wertmüller's Marxist story of a wealthy, industry-upheld bitch on a yacht who finds herself marooned in a state of heavily erotic political masochism. Her partner is the very sailor whom she has been abusing for marine inefficiency and the wearing of stinking T-shirts. The film is raspingly funny and rancorous, but it is also sad, because the rich woman is not serious about her expeditionary love. In Italian. (9/22/75) (Cinema II.)

Take a Hard Ride—With Jim Brown and Lee Van Cleef, directed by Anthony M. Dawson. (R.K.O. 86th St. Twin 1; through Nov. 6.)

The Third Man (1950)—Orson Welles, the Vienna sewers, and the famous, maddening zither tune. Directed by Carol Reed from Graham Greene's script and novel. Trevor Howard is a stylish Englishman who instructs Joseph Cotten in life's darker truths. A thriller of highest class. (Carnegie Hall Cinema; Nov. 6.)

The 39 Steps (1935)—Hitchcock's suave, amusing spy melodrama, directed with so sure a touch that the suspense is charged with wit. Robert Donat and Madeleine Carroll are the pair handcuffed together until hate turns to love, Peggy Ashcroft and John Laurie are the couple joined together by marriage chains, and the villain is Godfrey Tearle, looking astonishingly like F.D.R. From the John Buchan novel. (Carnegie Hall Cinema; Nov. 13.)

Three Days of the Condor—This expensive spy thriller gets some tension going, but there's no real fun in it. Robert Redford plays a researcher for the C.I.A. who accidentally turns up a clue to the existence of a renegade conspiratorial network in the C.I.A. organization and becomes everybody's target. With a miscast, subdued Faye Dunaway, and Max von Sydow, Cliff Robertson, and John Houseman. Sydney Pollack directed. (10/6/75) (Loews Tower East.)

To Catch a Thief (1955)—The suspense plot (reprised in the current "The Return of the Pink Panther") isn't much, but the Riviera scenery, Cary Grant, and Grace Kelly are at their most luscious. It's a romantic comedy-thriller about a retired jewel thief—a pleasant minor diversion by Alfred Hitchcock. With Jessie Royce Landis, Charles Vanel, and Brigitte Auber. (Carnegie Hall Cinema; Nov. 13.)

Today We Live (1933)—William Faulkner wrote a story called "Turn About," which had to do with the First World War rivalry between the aviators and the men in the torpedo boats; it had no heroine. Adapted to the screen, it became a vehicle for Joan Crawford, and the subject became how she can be freed from her old love so that she can give herself (in marriage) to Gary Cooper. There are some (uninspired) flying scenes, and some scenes on the high seas; the personal relationships are rather baffling—maybe because although Crawford is the star, she really doesn't seem to have a place in the picture. The director, Howard Hawks, must have been confused, too; he gets minimal results from the cast, which includes Robert Young, Franchot Tone, Roscoe Karns, and Louise Closser Hale. (Theatre 80 St. Marks; Nov. 5.)

A Touch of Class (1973)—Directed by Melvin Frank, written by Mr. Frank and Jack Rose. Glenda Jackson is a young divorced English dress designer with a wit that flickers like an anteater's tongue and a capacity to be wounded that the film's throwback to forties love-comedies doesn't manage to transmit. George Segal, showing a matching gift for sophisticated comedy, plays a flappy American. Mild, muddled fun. (Trans-Lux 85th St., and Symphony. . . . ¶ 8th St. Playhouse; through Nov. 11.)

Traffic (1971)—M. Hulot is a car designer on his maundering way to an international automobile exposition in Amsterdam. Jacques Tati's rather precious film is fuzzy and only vaguely comic. (Carnegie Hall Cinema; Nov. 11.)

Two or Three Things I Know About Her (1967)—Marina Vlady, as a lower-middle-class wife turned part-time prostitute, is in the center of Godard's lyrical essay-film, but the "her" of the title seems to be Paris as well. Social comment, made in the most personal of styles, delicately. In French. (Bleecker St. Cinema; Nov. 13.)

Ugetsu (1953)—Kenji Mizoguchi's complex, violent, and at times magical fable of an artist-potter (Masayuki Mori), a phantom lady (Machiko Kyo), and the family he left behind. Heavy going in spots, but with marvellous passages that are worth a bit of patience. In Japanese. (Bleecker St. Cinema; Nov. 10.)

Underworld, U.S.A. (1961)—With Cliff Robertson, directed by Sam Fuller. (Carnegie Hall Cinema; Nov. 10.)

Les Visiteurs du Soir (1942; American title, "The Devil's Envoys")—A romance based on a French legend: "And so in the beautiful month of May, 1485, the Devil sent on earth two of his creatures in order to drive the human beings to despair." The director, Marcel Carné, and the writers, Jacques Prévert and Pierre Laroche, intended a magical and seductive film poem, and they certainly had the cast for it—Arletty, with her incomparably lustrous eyes, Jules Berry, Marie Déa, and Alain Cuny (who in his youth, unfortunately, looked like a wooden Indian). But it turns allegorical and becomes rather slow and overstylized. Perhaps the sentiments (the Devil himself is unable to corrupt true lovers) are a little too fragrant. In French. (Bleecker St. Cinema; Nov. 9.)

I Vitelloni (1953)—Fellini made this warm observation of overgrown Italian loafers. The warmth doesn't prevent his view from being accurately acid about these adolescents pushing thirty who sponge off their parents and (all but one) lack the stomach to quit their aimless provincial lives. Fellini, as usual, wonderfully touches melancholy with farce. In Italian. (Elgin; Nov. 10.)

Walking Tall, Part 2—Bo Svenson plays Buford Pusser in this sequel. Directed by Earl Bellamy. (72nd Street East; starting Nov. 12.)

Way Out West (1937)—With Laurel and Hardy, directed by James Horne. (D. W. Griffith; starting Nov. 11.)

The Way We Were (1973)—Robert Redford is a straw-haired jock from Virginia who wants to have a good time, and Barbra Streisand is a frizzy-haired Communist who's always sure she's right. The picture has some atrocious sequences set in Hollywood during the blacklisting troubles, but the romantic star chemistry of Redford and Streisand turns a half-terrible movie into hit entertainment—maybe even memorable entertainment. Sydney Pollack directed; from Arthur Laurents's novel. (Columbia I, R.K.O. 86th St. Twin 2, and Loews 83rd St.)

Without Love (1945)—One of the dreariest films in the Katharine Hepburn-Spencer Tracy series; it has a metallic flavor. The Philip Barry play was extensively rewritten by Donald Ogden Stewart, and not improved. Tracy is a homespun scientist working on a helmet for high-altitude flying, and Hepburn is a widow with a big house in Washington. The wartime housing shortage is the plot excuse for his moving in with her, on the understanding that they'll have a platonic marriage. And guess what happens. Pedestrian direction by Harold S. Bucquet; with Keenan Wynn, Lucille Ball, Patricia Morison, Gloria Grahame, and Carl Esmond. (Theatre 80 St. Marks; Nov. 11-12.)

You Were Never Lovelier (1942)—Fred Astaire, Rita Hayworth—with Astaire pursuing her by the route of her matchmaking father, played by Adolphe Menjou. Quite endearing punk, with tunes including "You Were Never Lovelier" itself, "Dearly Beloved," and "I'm Old-Fashioned." (Carnegie Hall Cinema; Nov. 9.)

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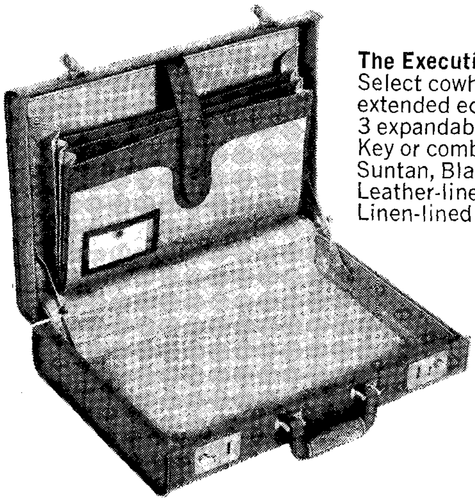

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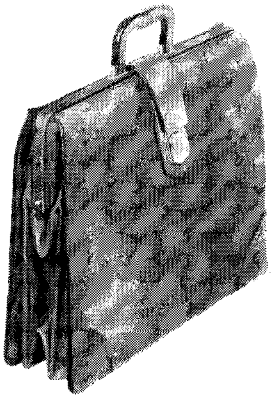

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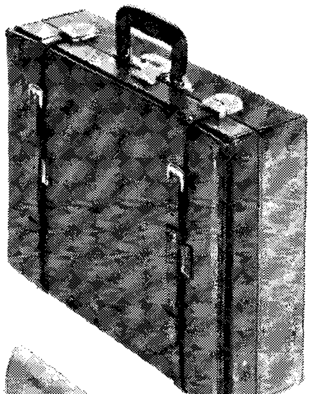

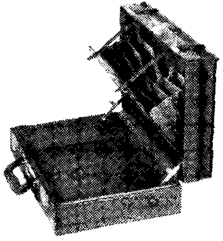

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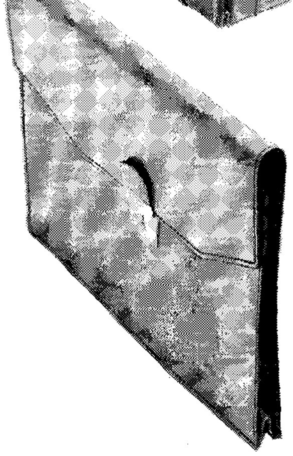

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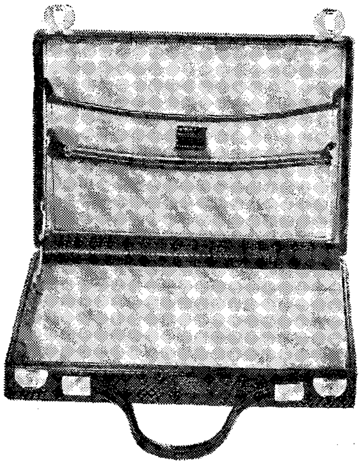

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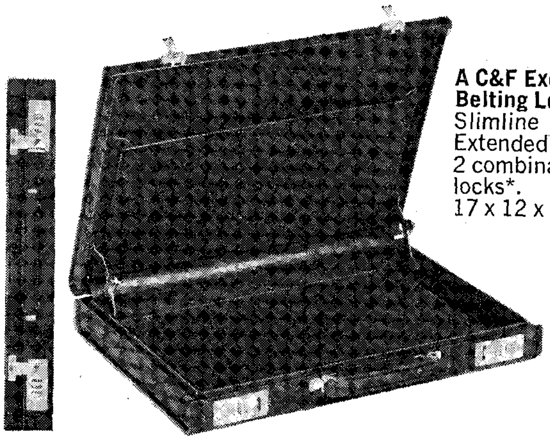

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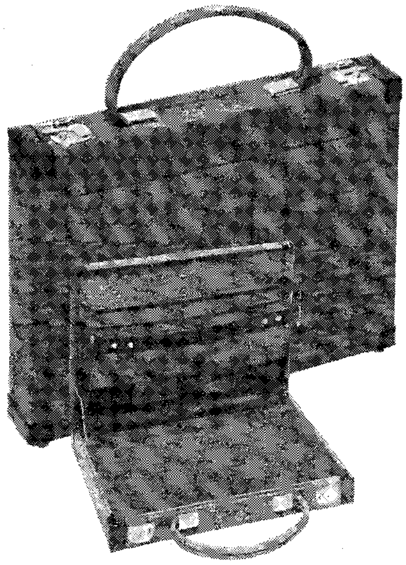

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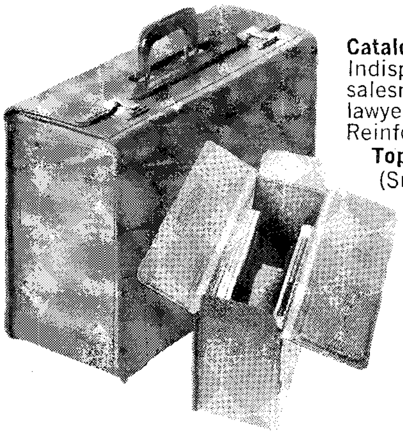

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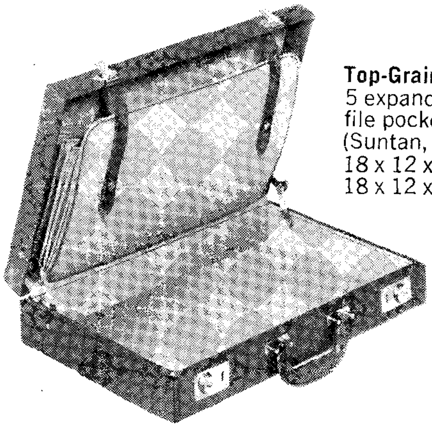

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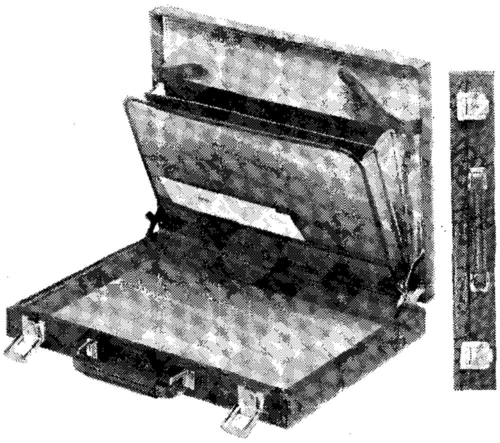

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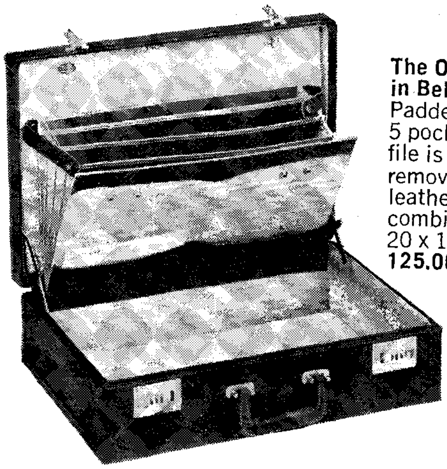

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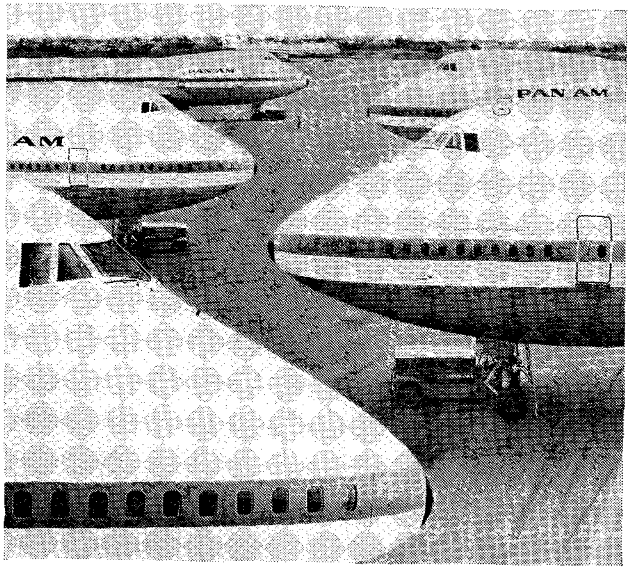

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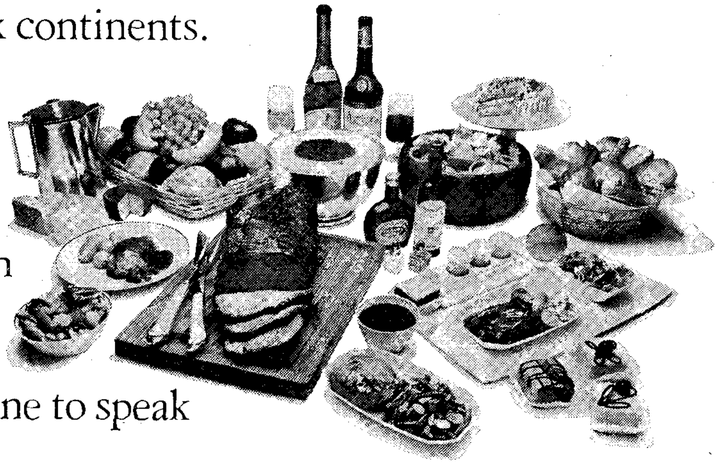

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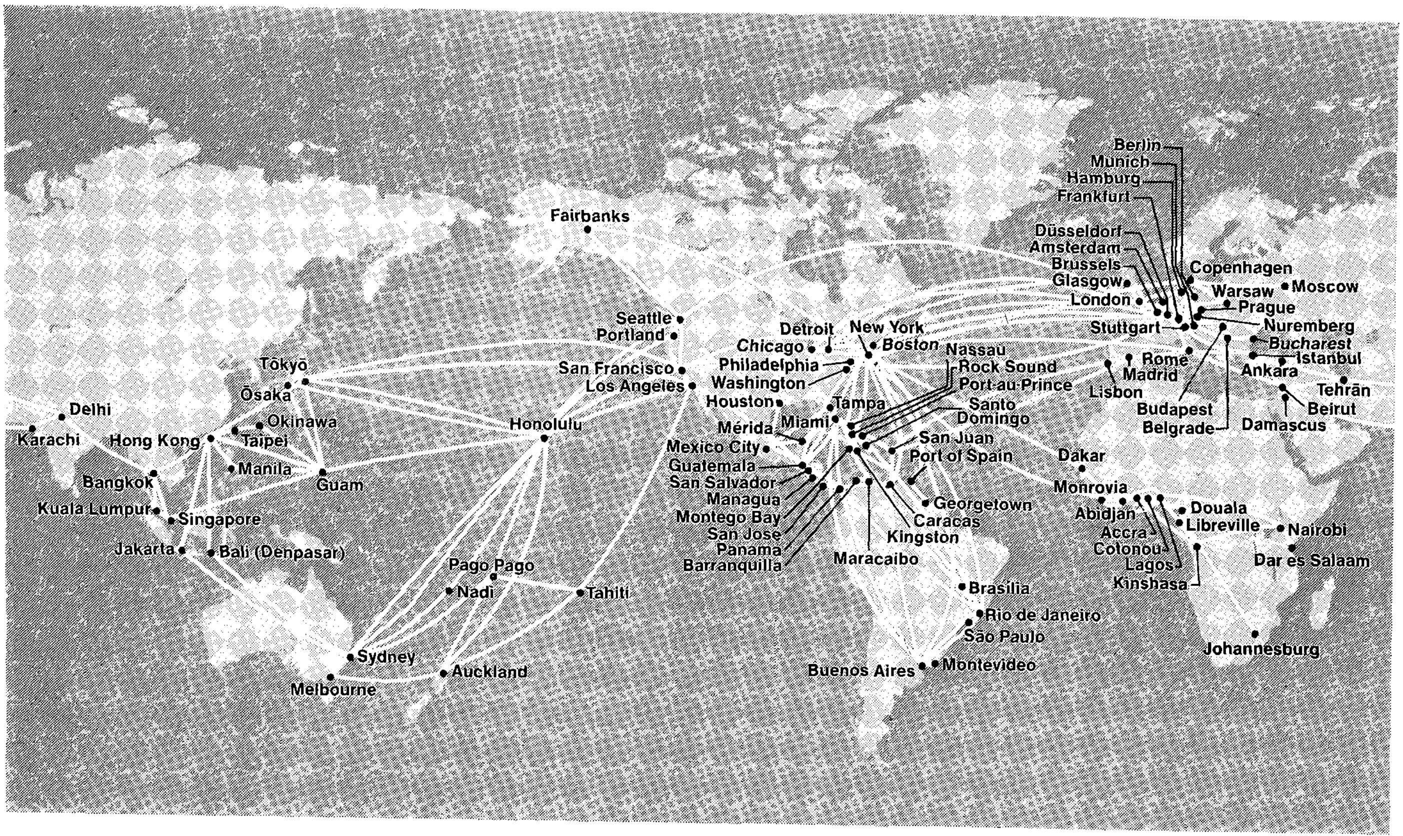

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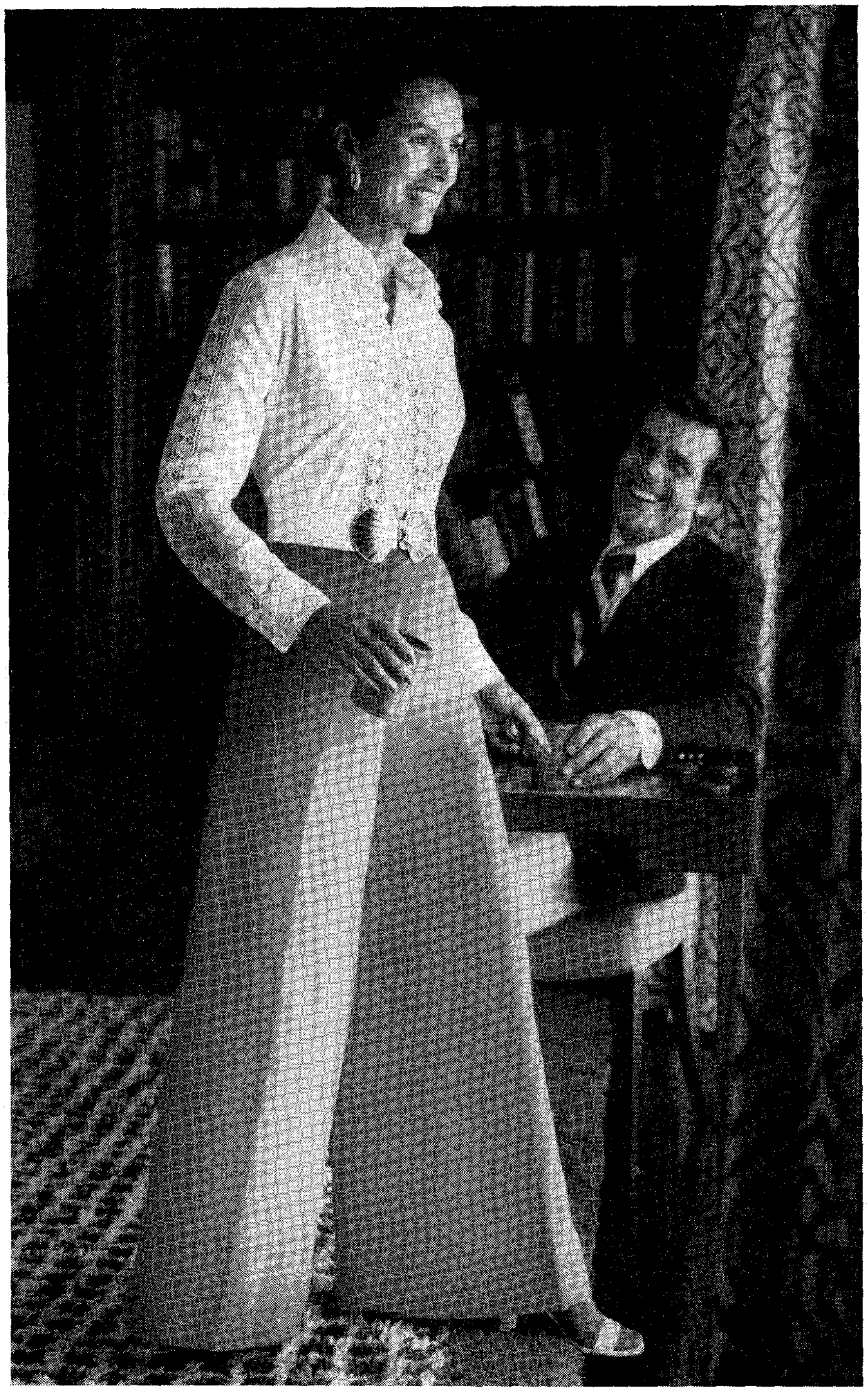

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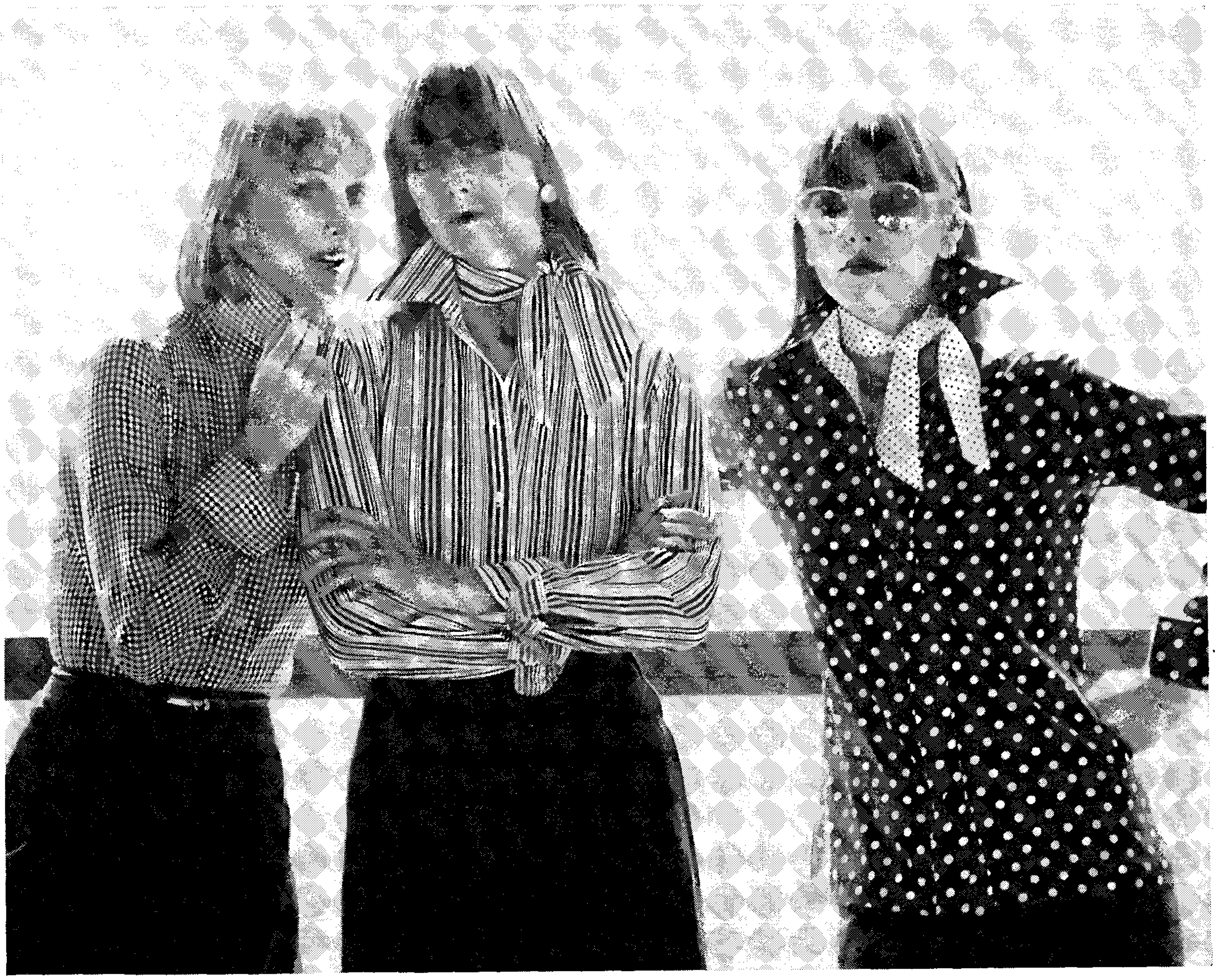

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THE NEW YORKER

THE TALK OF THE TOWN

Notes and Comment

LETTER from a friend:

I am almost ready to concede that the war against "hopefully" has been lost. In little more than a decade, this frightful, ear-bending virus has wormed its way deep into the national vocabulary, and now one commonly hears President Ford and television-talk-show guests and cabdrivers and athletes and Secretary Kissinger and bartenders and children and one's best friends succumbing to this adverbial inanity on occasions when they wish to express, let us say, an expectation of lower unemployment figures, the renewal of a sit-com option, less traffic over on Lexington, an improved pass-completion average, peace in the Sinai, the long-awaited arrival from the West of a mass of cool air and the concomitant amelioration of the disposition of habitual late-afternoon bourbon drinkers, a quick trip down the block to Baskin-Robbins, and one's presence for drinks on Friday. On these occasions, and on many others, I have been in the habit of muttering "you hope," or "it is to be hoped," or "one hopes" to myself when the solecism is committed, but always, of course, to no avail. Now I have concluded that the only conceivable antitoxin for this epidemic may be the last-minute discovery of a vivid, homely, and memorable example of the correct use of "hopefully," and I have recently put in a good many hours of research in my private word laboratory in pursuit of this great remedy. Yesterday, I found it. Like many other epochal achievements of mankind (Paul Muni's conquest of rabies, Don Ameche's discovery of the telephone), mine came by accident—a tone of voice I heard at my place during a domestic crisis just before breakfast. I think the moment can best be set forth in playlet form:

THE NICK

Dramatis personae:

SELF
WIFE
SON (*aged five*)

(NOTE: The second and third roles are played entirely offstage.)

As the curtain rises, SELF *is discovered, clad in striped pajama bottoms, at the washbasin in the family bathroom. He has just finished shaving and is now leaning toward the mirror as he trims, with a pair of nail scissors, his tasteful pepper-and-salt mustache. Suddenly he leaps back in horror and claps his free hand to his face.*

SELF: Ouch! Ow! (*He peers into the mirror.*) Ow!

WIFE: What happened?

SELF: I cut my *nose!*

SON (*hopefully*): Off?

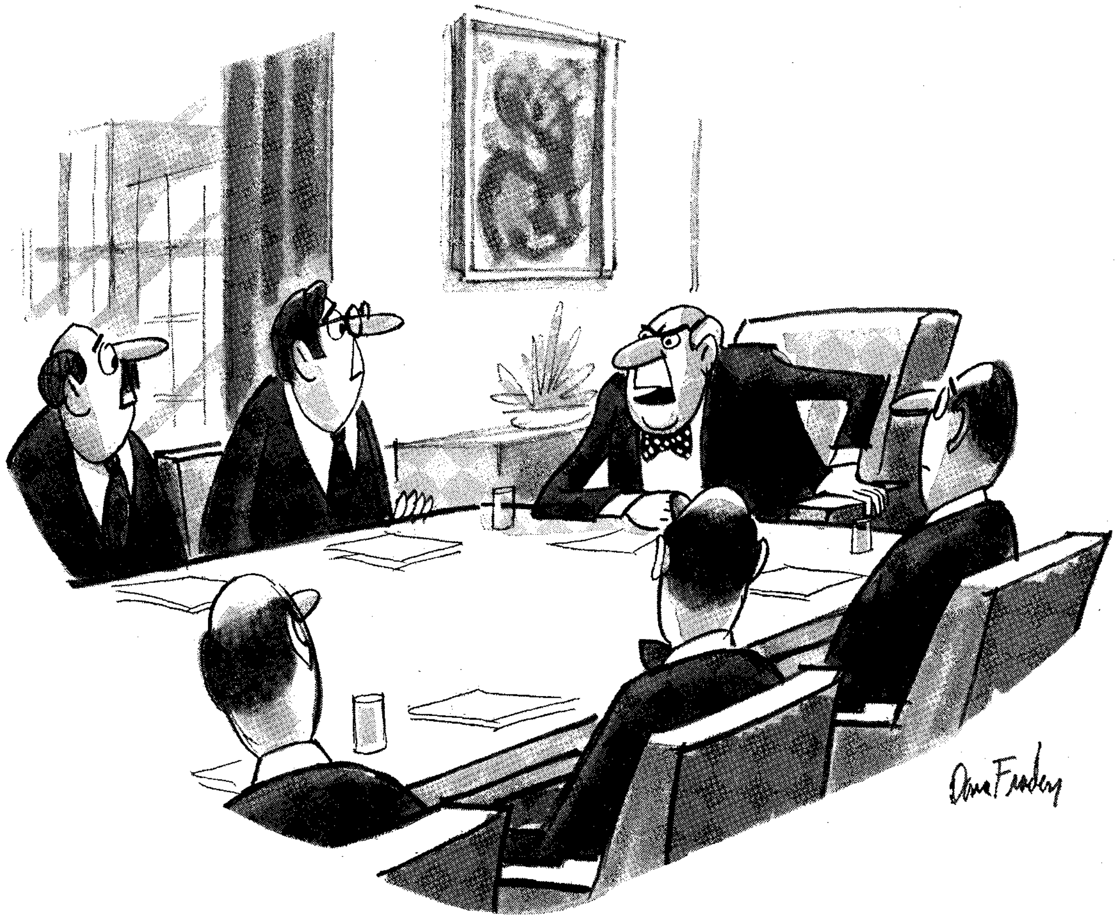
CURTAIN

• •

Ambassador

NOW that Elliot Richardson, who served successively in President Nixon's Cabinet as Secretary of Health, Education, and Welfare, Secretary of Defense, and Attorney General—resigning the last office rather than carry out the former President's order to fire Watergate Special Prosecutor Archibald Cox—has had time to settle into his latest government post, as Ambassador to the Court of St. James's, we thought it prudent to hop over to London and call upon him without further delay. Our decision to get to Ambassador Richardson with all deliberate speed was taken after glancing at his full employment record, which has not been marked by undue longevity in any job. In fact, since graduating from Harvard Law School, in 1947, and serving two one-year terms as clerk, first to Judge Learned Hand and then to Justice Felix Frankfurter, Mr. Richardson has been in and out of twenty-three jobs, not counting the present one. "In matters of employment," he remarked in 1966, on the occasion of the twenty-fifth reunion of his Harvard College class, "I have continued a nomadic behavior pattern. I hope to demonstrate finally that I can keep a steady job." Nine years and seven jobs later, the hope remains rather dim, especially in view of the fact that even before accepting the ambassadorial assignment, he had discussed with Secretary of State Kissinger the possibility of eventually moving on to take over *his* job. Proceeding, therefore, with a certain sense of urgency and through the proper diplomatic channels, we found ourself the recipient of a gracious invitation from the Ambassador to stop by Winfield House, the Embassy residence, one recent morning for a cup of tea and a chat.

From the outside, Winfield House, a handsome, red brick, Georgian-style mansion, beautifully situated in twelve and a half acres of lawns and gardens and surrounded by some five hundred acres of Regent's Park, looked just as it had on our previous visit, about a year earlier, to attend one of



"Quit saying, 'You're the boss!' I know I'm the boss!"

the marathon succession of filet-mignon Château-Gruaud-Larose farewell feeds laid on by Mr. Richardson's predecessor, Walter Annenberg. When Mr. Annenberg and his wife moved into Winfield House, which had been built as a kind of instant stately home in 1936 by Barbara Hutton (then Countess Haugwitz-Reventlow) and given by her ten years later to the United States Government, the place was badly in need of repair, or, as Mr. Annenberg more picturesquely described its condition to the Queen in the course of presenting his credentials, life in the residence was "subject to some discomfiture as the result of the need for elements of refurbishing and rehabilitation." The discomfiture didn't last long. The Annenbergs, assisted by a California decorator named William (Billy) Haines—who was a film star in the nineteen-twenties and thirties—recruited an army of fifty workmen, who reroofed, replumbed, rewired, and otherwise repaired the structure, and repainted it inside and out (the moldings in the state dining room were regilded with gold leaf, not, as previously, with gilt radiator paint). Then, after removing some of the furniture that belonged to the residence, which Mr. Annenberg referred to as "G.I. stuff," and restoring the rest, the Annenbergs redecorated and refurnished every room in the house, almost entirely with antiques: Chippendale tables and chimneypieces; Adam tables, consoles, mirrors, and urns; Louis XV settees; Regency lacquer tables; displays of yellow glaze Ming and Lowestoft lotus-pattern china; and other pieces of museum quality. Against this background, the Annenbergs hung part of their magnificent collection of Impressionist paintings. The result was pure splendor, and the bill came to about a million dollars. Of this, fifty thousand was paid by the United States Government and the rest by the Annenberg Fund, under an agreement with the Internal Revenue Service to treat the cost of the refurbishment as a nontaxable gift. During his five and a half years in London, Mr. Annenberg expanded his reputation for openhandedness by passing out a million dollars or so to British schools, universities, museums, and other institutions, and by serving more hot meals to Englishmen than any other American Ambassador in history.

Palasz, the faintly smiling, smoothly gliding butler whose tenure at Winfield House began during its occupancy by the David K. E. Bruces, answered our ring, ushered us through the entrance hall and into a drawing room, and departed to inform the Ambassador of our arrival. Both the entrance hall and the drawing room, high-ceilinged, spacious, and immaculate, looked elegant. The Annenbergs' pictures—among others, a Gauguin and a Renoir in the entrance hall, another Renoir, a Boudin, a Fantin-Latour, and a Degas in the drawing room—have been replaced with works less quickly identifiable. ("Incidentally, here is a little Cézanne," Mr. Annenberg once remarked when we were among a group of guests being shown the house.) As we were about to have a closer look at the pictures in the drawing room, Ambassador Richardson, smiling and smoking a pipe, padded into the room. A square-jawed, handsome man, urbane and assured, with black hair that he keeps neatly trimmed by biweekly visits to his barber, at Claridge's, he was turned out in an open-necked checked shirt, varicolored slacks, Argyle socks, and scuffed Wallabees. "Lee and Walter Annenberg did an elegant and thoughtful job on this house, and we are benefitting from all that they put into it," he said. "Of course, we had to do something about the pictures. My wife scouted around museums in Washington, Philadelphia, and Boston, and arranged to borrow all the pictures in the rooms downstairs." Inspecting the ones in the drawing room with Mr. Richardson, we found that they were done by Mark Rothko and five other modern artists—George C. Ault, Richard Diebenkorn, Myron Stout, Morris Louis, and Karl Knaths.

A tall, slender, attractive woman hurried into the room. "Oh, I'm sorry!" she said to Mr. Richardson. "I didn't know you were here! Oh, dear, I have on my work outfit!"

Mr. Richardson introduced us to his wife, whom he calls either Anne or Happy. "Her name was Hazard before we were married, and everybody called her Happy—Hap Hazard," he explained.

Mrs. Richardson, who was wearing a black-and-white cotton dress, has thick, nearly white hair, which she parts in the middle; expressive greenish-hazel eyes; and a terrific smile as wide as the Mall. "The porcelain in this room is ours," she said in answer to a question we asked. "It's mostly Chinese Export and Lowestoft. From Elliot's family, and a few pieces of mine. The books in here are also ours. They're our best-looking books—not necessarily the best. The Britannica is the Eleventh Edition. That was Elliot's father's. Don't look at the bindings. They're falling apart. Would you like to see the Green Room?"

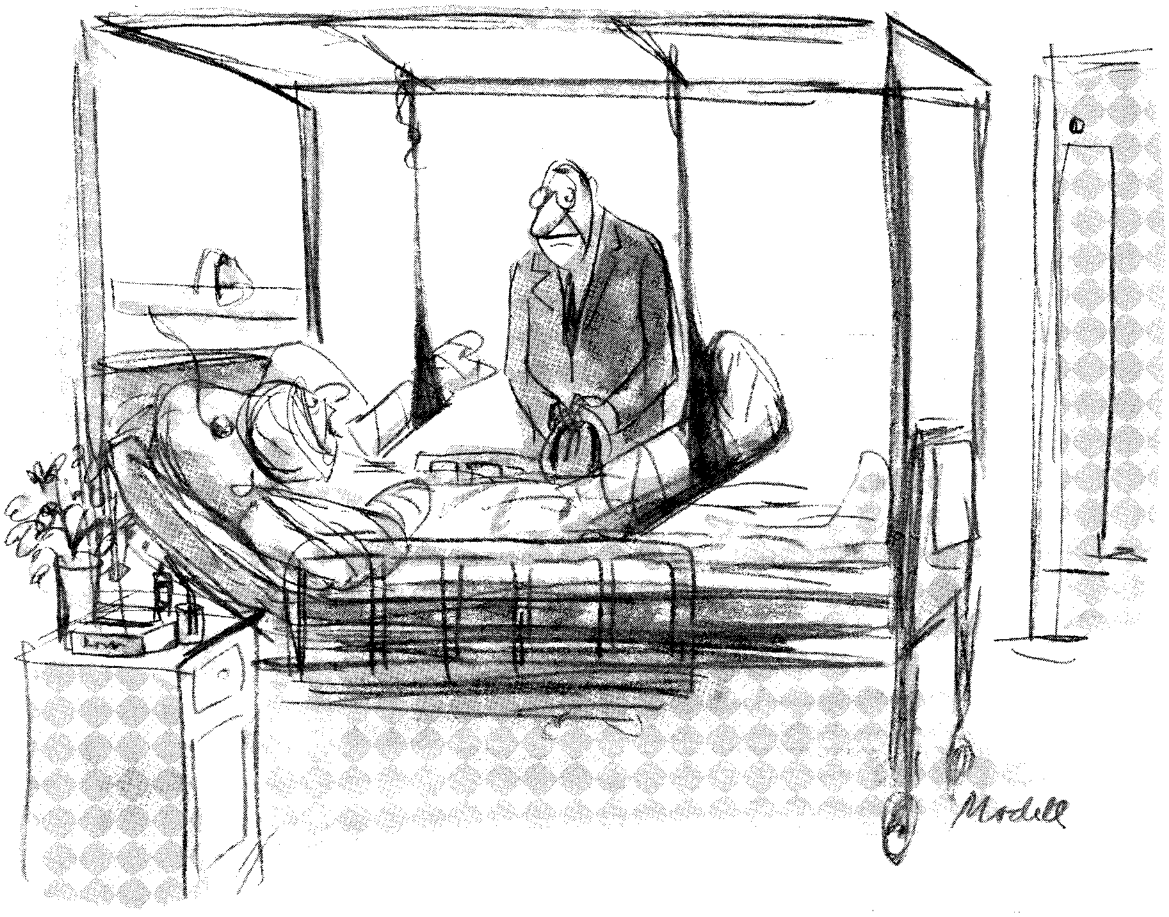
We said we would, and, accompanied by Mr. Richardson, followed her there. This room, which adjoins, was called the Garden Room by the Annenbergs, who left the rugs they had had woven for it in Portugal, several lamps and tables, and the stunning antique Chinese wallpaper, which they had had removed from the walls of a castle in Ireland. They sent it to Hong Kong to be repainted, and then to New York to be cleaned, before it was hung in Winfield House.

"The Annenbergs had a van Gogh over the mantel and a Gauguin on the far wall," Mrs. Richardson said. "But against that busy wallpaper pattern, with all those butterflies and birds and trees, I didn't think any pictures were needed." Where the van Gogh had been, we noticed, was a rather large Chinese paper screen in hues of gold, gray, and coral.

"I gave that to my wife when our first child was born," Mr. Richardson said. "I bought it at a little store on Dartmouth Street, in Boston. I have no idea what an expert would say about its worth, but we're very fond of it. We've had it in every house we've lived in."

After a quick conducted tour of the other downstairs rooms, we wound up with the Richardsons at the foot of the stairs leading to the second floor. From here, during the Annenbergs' time, we remembered, one's eyes were irresistibly drawn up to the landing, made resplendent by a jade tree of generous proportions. One's attention is now attracted by a quite enormous and colorful canvas on the wall of the stairwell. "It is called 'Petal,' " Mrs. Richardson said. "It's by Sam Gilliam, a Washington artist. Somebody said it looks like the Great Fire of London." She laughed, and added, "Oh, well—I picked it out myself. I like it." After a brief discussion with Mr. Richardson about the day's schedule, she excused herself and left.

"I thought we might sit upstairs, in the family library," Mr. Richardson said. "It's about the only private room we have, except the bedrooms." We accordingly accompanied him to the library, a pleasant, casually furnished room containing lots of familial odds and ends in comfortable disarray. On one wall are a half-dozen or so watercolors, mostly landscapes. "Those are mine," Mr. Richardson said, settling into an easy chair and drawing on his pipe. "They extend over a span of thirty-six years, I guess. As you can see, my technique has progressed not at all in that interval. Much to my regret, I haven't had much time to paint in recent years, although I did do three pictures during a trip to Scotland this summer. When I was here in the spring of 1944, shortly before the invasion, I had a chance to spend a few days cycling around Devon and painting watercolors. Some of the best pictures I ever did, actually." Because of bad eyesight, we learned, Mr. Richardson served in a medical-evacuation unit (not altogether inappropriately, as he is the son of a surgeon and the descendant of six generations of doctors), rose to first lieutenant, participated in the D Day landing, and was awarded the Purple Heart and the Bronze Star. "I still have the same paintbox and brushes that I carried with me then," he continued. "But nowadays, if I have some leisure, I tend to fish rather than paint. Before coming over, I made an arrangement with the British Ambassador in Washington, Sir Peter Ramsbotham, under which he has the use of my membership in a fishing club that has a stretch of water on the Maryland-Pennsylvania border, and he is allowing me to use his stretch on the Itchin, one of the great British chalk streams, in Hampshire. I've been able to spend only two days down there. Just



"And you? What's new with you?"

one trout. On that water you really have to be a better fisherman than I am. I have been able to play a good bit of tennis. We have a very nice tennis court here, thanks to Mr. Annenberg, who resurfaced it with an all-weather surface, which can be quite an asset in this climate. Actually, I've had a rather abnormal existence here as far as leisure is concerned, because I've had to spend just about every spare minute working on a book that I'm just finishing. I started it while I was at the Woodrow Wilson International Center for Scholars, in Washington. That is the official memorial of the United States to Woodrow Wilson, and has the aim of bringing together people from the academic community and from government. I received an appointment to the Center a few months after leaving the Attorney General's office, and left when I came here. It was a little over a year, and an extremely busy one. During that time, in addition to my work at the Center, I made two hundred and sixty appearances around the U. S., including fifty lectures, and I wrote about two-thirds of the book. Here, I've worked on it on trains and in the car, on weekends, and at night. My bed hour has been around 2 A.M."

We asked about the nature of the book.

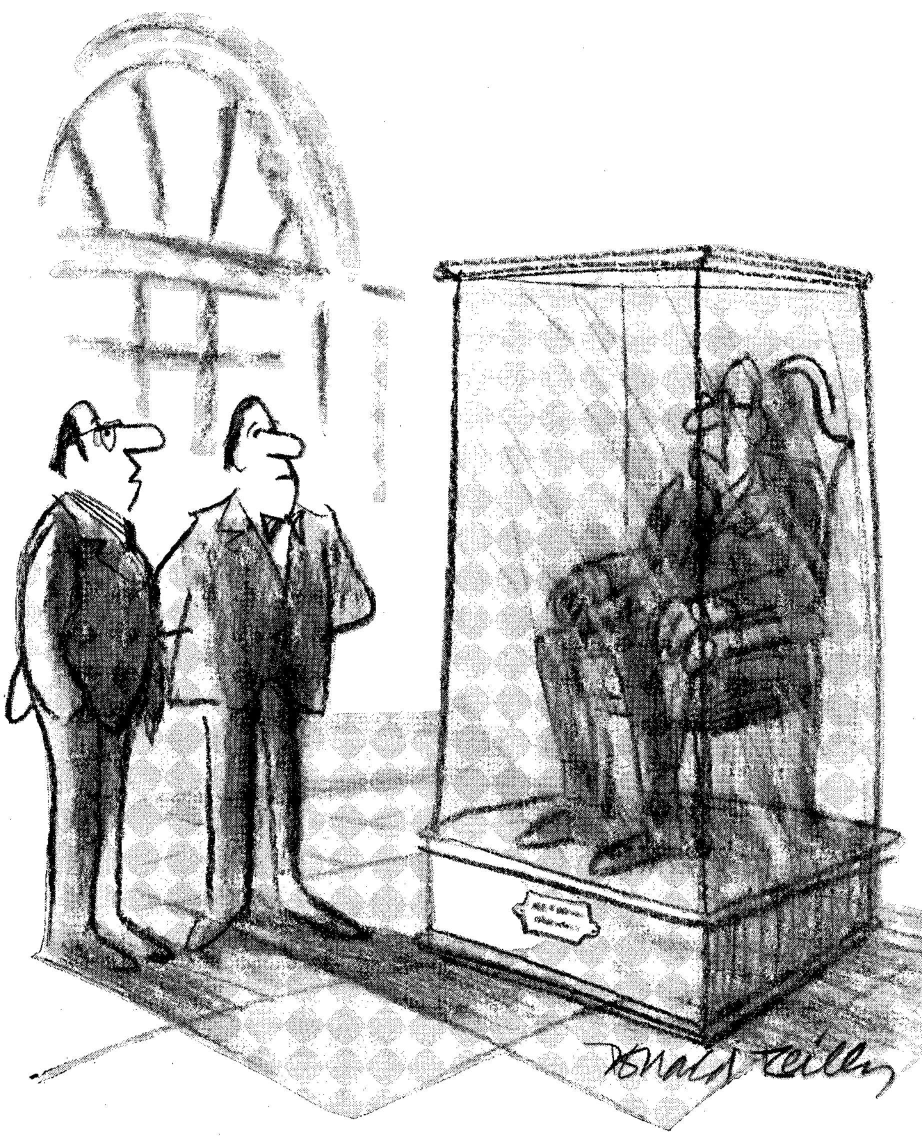
Mr. Richardson put down his pipe, which had gone out. On the table next to him were two scratch pads and three new, sharpened pencils. He picked up a pencil and a pad, and started to doodle. "The book," he said after slowly drawing a few horizontal lines, "is generally concerned with the relationship of the individual to government." There was a pause while he carefully added a few horizontal strokes. "The provisional title is 'The Creative Balance.' I don't know whether it needs a subtitle"—pause, several long, straight strokes—"but I mean by that to connote the creativity of the tension"—short pause, three strokes—"that has to exist between individualism and community, liberty and equality, and so on"—pause, stroke—"in order for the optimal conditions to exist under which individuals can be self-fulfilled." He stopped talking but continued doodling.

Though we had listened to what he had been saying, our attention had been captured by what he had been doing. We had never seen such intensive, dedicated doodling. Each drawn line seemed to be as carefully considered as each spoken word. In fact, the strokes and the words seemed to be orchestrated in a rhythmic pattern that varied from adagio to andante. The effort appeared to require complete concentration on the scratch pad, thus severing visual contact and hence upsetting the creative balance, so to speak, of normal conversation. The effect, we decided after a while, was rather like talking to someone through an interpreter. We told Mr. Richardson that we were fascinated by the doodling, and asked why he did it.

"I have been drawing all my life," he replied, embellishing the work, which now nearly filled the page. "My principal college extracurricular activity was drawing cartoons for the *Lampoon*. I spent so many, many hours practicing pen strokes that the use of my *hand* became compulsive. By the way, I meant to offer you some tea." He picked up a telephone and ordered tea for two.

Turning to practical matters, we asked how he was getting along with his ambassadorial chores.

"I enjoy the job," he replied, starting a new doodle. "I feel very at home in it, really. I have visited steel mills, textile mills, the British Leyland Motor Works, coal mines in Nottinghamshire, and a drilling rig in the North Sea. I find the British people I meet on these trips, as well as those in government, very congenial to talk to and to work with. They are informed, humorous, and direct. Never any stiffness or excessive formality. Of course, the British countryside is marvellous, and London is a very exciting place to be. Over the past two or three decades, the British have been less bemused than other industrial countries by the goal of growth for its own sake, and instead have maintained an emphasis on the qualitative elements of life. I think that a very good case could be made out for the proposition that if the British have any luck in surmounting the immediate economic crisis and resuming a steady, if somewhat slow, rate of long-term growth, other countries in years to



"Unfortunately, in order to get the Harry C. Bendermine Memorial Library, we had to accept Harry C. Bendermine as well."

come will be trying to find out how Britain preserved its extraordinarily civilized existence."

A footman arrived with the tea. Mr. Richardson added a few touches to the doodle in progress, put it aside, and poured. Recalling that Mr. Annenberg had let it be known that it cost him about a quarter of a million dollars a year to run the Embassy, we asked Mr. Richardson, who is a Boston-type plutocrat, how he was making out on the financial side of the job.

"I think we are doing all right," he said. "The representation, or entertainment, allowance has been increased to about fifty thousand dollars a year, and that helps. I had expected to add some of my own money to that, and to cover family expenses, such as the children's tuition—our elder son is at Harvard, our daughter is at Princeton, and the younger boy is at St. Albans, in Washington—out of independent income, and that is the way it is working out. We are not able to do things on the scale of perfection that Mr. Annenberg achieved. I don't think that the quality of the wine, for example, or the dinners that we give would compare in elegance to the standards that he established, but I think they are at least adequate."

Mr. Richardson was pouring us a second cup of tea when his wife came in and said, "Excuse me. Last interruption. I'm having a very funny time about this crazy dinner Friday night." As nearly as we could make out from the discussion that followed, Sir Marcus Sieff, the chairman of Marks & Spencer, and Lady Sieff were importing four French chefs (Paul Bocuse, Jean Troisgros, Michel Guérard, and Roger Vergé) to prepare a dinner in honor of Danny Kaye, in town to conduct the London Symphony Orchestra; the Richardsons were lending Winfield House for the affair, and complications had arisen, one being a certain cloudiness about who was giving the dinner and for whom. The Ambassador, unruffled, listened quietly and suggested some solutions; Mrs. Richardson said they sounded good, and departed. A couple of seconds later, she popped in again. "Bordeaux is claret, right?"

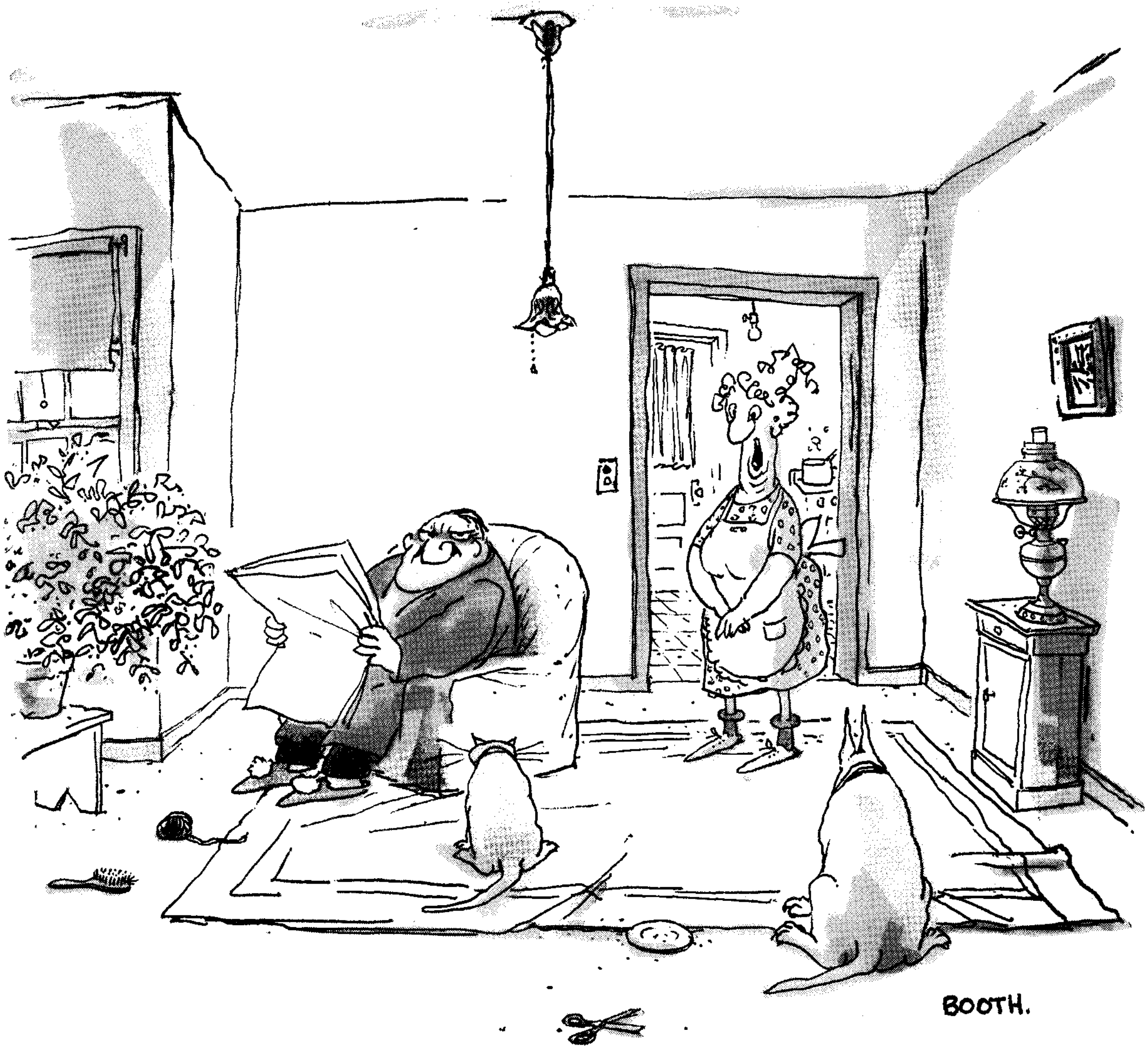
"Right," Mr. Richardson said.

As he resumed doodling, we asked if the subject of Watergate had come up often in his conversations with the British.

"No, not often at all. It was a worry to the British, of course, all the time that the whole sordid process was unfolding. They have certainly been relieved, since we showed that our Constitutional system was capable of coping with the problem. Incidentally, the book I am writing will deal with Watergate as an example of the problem of the abuse of power in terms of the need for a readjustment of the balance of initiative between the Congress and the Presidency. However, the Watergate discussion as such will be only about twenty pages out of a three-hundred-and-twenty-page-plus book."

"At what point during the unfolding of Watergate," we asked, "did you decide that President Nixon, who had assured you upon asking you to become Attorney General that he was completely innocent of the affair, had in fact lied to you?"

"It was a gradual process. My judgment about his role and whether or not he had been telling the truth evolved more or less in tandem with the disclosure of evidence from the tapes and so on. I was aware from the time that I first learned of the existence



"I haven't said anything up to now, but now I'm going to speak my piece. I think New York City had better get back to the good old buy-now-pay-as-you-go days, and pretty darn soon or there's going to be trouble. That's what I think!"

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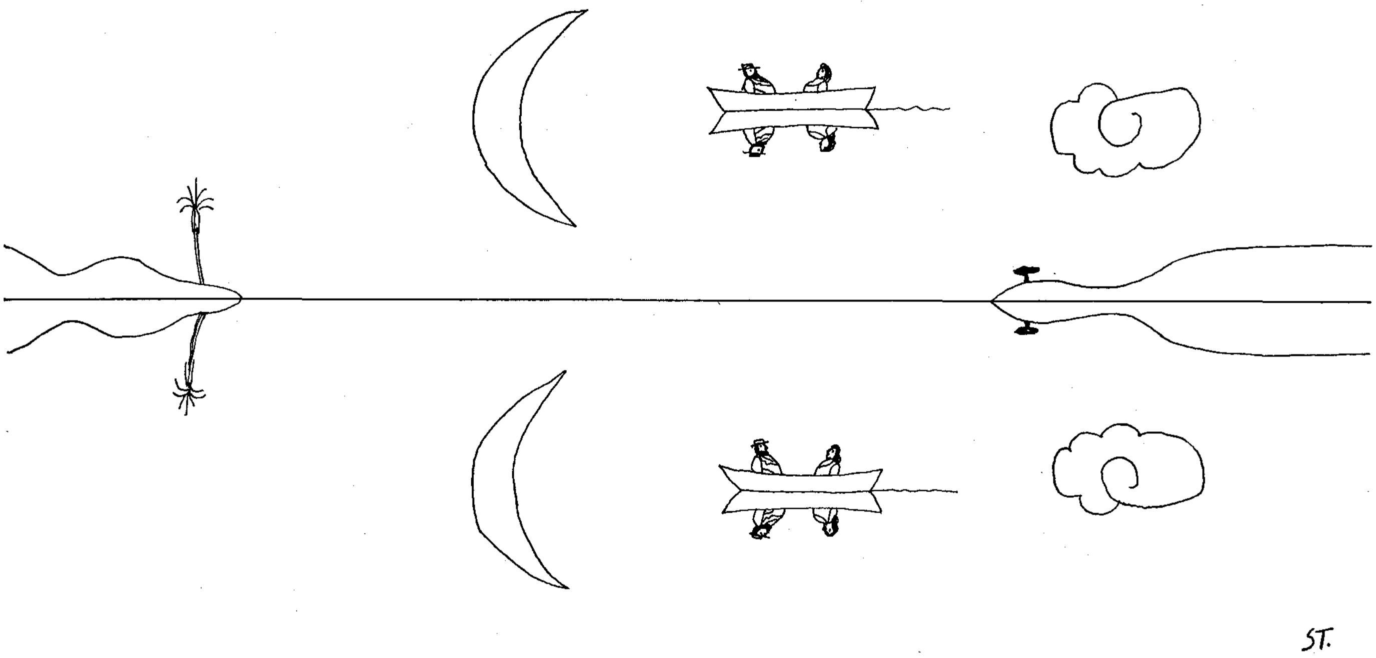


of the tapes and of the President's adamant refusal at that point to make them available to Mr. Cox that he might well have something to conceal, but I didn't have any real evidence of this, and I never allowed my assumptions about what the facts were to run ahead of the evidence I had. For me, as for Congress and most people, the final and conclusive evidence was the revelation of the June 23rd tape, which, as you recall, revealed that he had begun from that point to participate in and to direct a coverup. However, I didn't finally conclude until months after I had actually left the Department of Justice that the whole handling of events in the week leading to the firing of Archibald Cox and the resignations of Bill Ruckelshaus and myself could only be explained on the basis that Nixon had deliberately set out to get rid of Cox."

As Mr. Richardson finished the doodle he had been working on and started another, we asked what his reaction had been to the apparent fact that the ex-President hadn't yet come to realize that he did anything wrong.

"It's hard, I think, imaginatively for anyone to grasp what it must be like to be the only President of the United States forced to resign, especially when you recall that Nixon was devoting an enormous amount of physical and intellectual and psychic energy to the achievement of a place in history as the architect of 'a generation of peace.' In fairness to him, I think it must be recognized that nothing he did absorbed him nearly as much, and, for all that, to be destroyed, for his name forever to be associated with the disgrace of Watergate, must be extraordinarily difficult to face emotionally. And I think it is a natural human reaction, when you are confronted by something you can't absorb or accept, to find some way of rejecting it by a process of self-delusion or rationalization. It's the sort of phenomenon I saw all the time in combat as a medical soldier. I once wrote a poem in France to the general effect that those who most clearly and deeply felt the horror of war found it impossible to continue to be effective, while the rest of us simply didn't allow ourselves fully to grasp it in order to be able to carry on. I think I may have that poem around here somewhere."

He went over to the bookshelves and returned with a copy of "The Mind and Faith of Justice Holmes," edited by Max Lerner. "I kept this book with me while I was in the Army," Mr. Richardson said, leafing through the pages, which contained letters and other memorabilia. "I also carried a one-volume Shakespeare, but I didn't read that very much. Here is the poem I was looking for. It's a sonnet. I haven't read it for years. I wonder if it's any good." He read it very slowly. "Well," he said, handing it to us, "not a very good poem, but at least technically it's a pretty good sonnet." Untitled and written in a small, careful hand, the sonnet struck us as a pretty good poem as well as a pretty good sonnet.

Once Mr. Richardson had stopped the doodling, his manner became easier and warmer, and conversation no longer seemed to be filtered through a scratch pad. At this point, unfortunately for us, he said that it was almost time for him to change his clothes and leave for a luncheon at the Ministry of Defence. We quickly put our final question. Recalling that his predecessors as envoy to the Court of St. James's have included four who became President, two who had been Vice-President, and six who became Secretary of State, we asked Mr. Richardson which of those jobs he would be most interested in.

"Well, the question in this context really isn't so much being interested in the job. The question is: What would you do to get it? And I don't see any realistic opportunity to do anything about getting any of those jobs, even though, if I were realistically in a position to say yes or no to any of them, I would probably say yes. But I'm not doing anything about it. My behavior is actuated by, I think, an attempt to keep clearly in focus an interest in the job to be done for its own sake. Basically, my attitude is that one can't waste a great deal of emotional and physical energy in attempting to carry out schemes for self-advancement. I think they not only waste time and energy but they seldom succeed, and whatever they cost is taken away from what you might be doing on the merits."

Mr. Richardson saw us to the door. As we walked down the drive, we remembered for some reason another thought that he had expressed in the library: "Of course, there are a great many factors of sheer chance which affect the course of anybody's career."

THE CHASTE PLANET

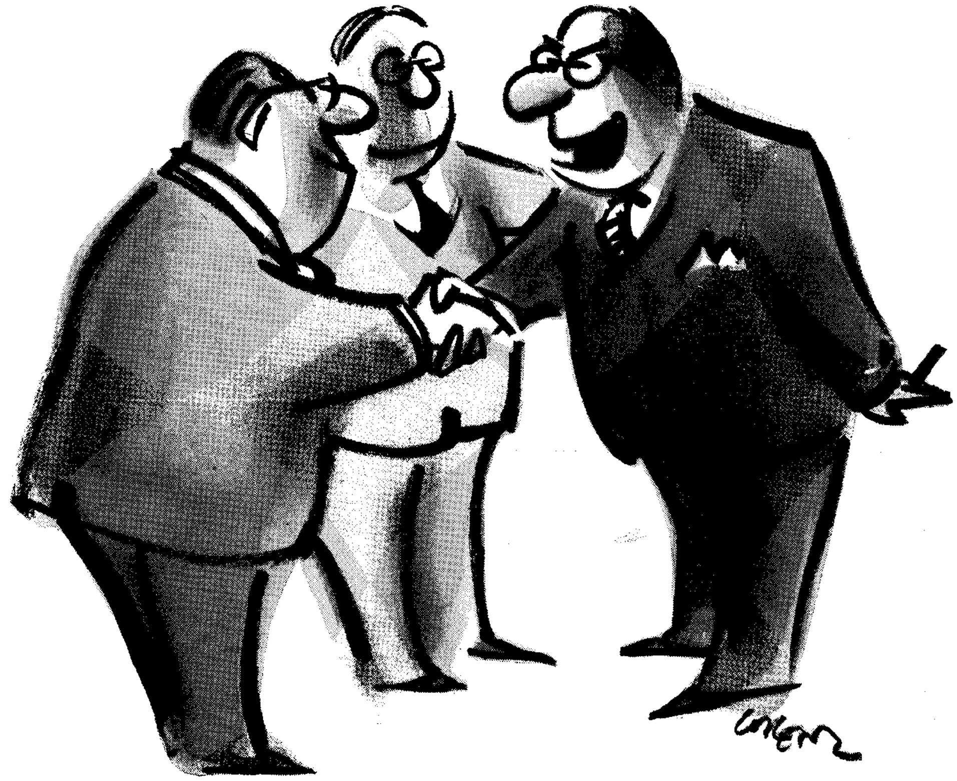
IN 1999, space explorers discovered that within the warm, turbulent, semi-liquid immensity of Jupiter a perfectly pleasant little planet twirled, with argon skies and sparkling seas of molten beryllium. The earthlings who first arrived on the shores of this new world were shocked by the unabashed nakedness of the inhabitants. Not only were the inhabitants naked—their bodies cylindrical, slightly curved, and longitudinally ridged, like white pickles, with six toothpick-thin limbs stuck in for purposes of locomotion, and a kind of tasselled seventh concentrating the neural functions—but there appeared to be no sexual differentiation among them. Indeed, there was none. Reproduction took place by an absentee process known as "budding," and the inhabitants of Minerva (so the planet was dubbed, by a classics-minded official of the Sino-American Space Agency) thought nothing of it. Evidently, wherever a mathematical sufficiency of overlapping footsteps (or jabs, for their locomotion left marks rather like those of ski poles in crusty snow) impressed the porous soil of intermingled nickel and asbestos, a new pickleoid form slowly sprouted, or "budded." Devoid both of parentage and of progenitive desires, this new creature, when the three Minervan years (five of our weeks) of its maturation period brought it to full size (approximately eighteen of our inches), eagerly shook the nickel from its roots and assumed its place in the fruitful routines of agriculture, industry, trade, and government that on Minerva, as on Earth, superficially dominated life.

The erotic interests of the explorers and, as argon-breathing apparatus became perfected, of the ambassadors and investigators and mercantile colonists from our own planet occasioned amazement and misunderstanding among the Minervans. The early attempts at rape were scarcely more of a success than the later attempts, by some of the new world's economically marginal natives, to prostitute themselves. The lack of satisfactory contact, however, did not prevent the expatriate earthlings from falling in love with the Minervans, producing the usual debris of sonnets, sleepless nights, exhaustive letters, jealous fits, and supercharged dreams. The little pickle-shaped people, though no Pocahontas or Fayaway emerged among them to assuage the aliens' wonderful heat, were fascinated: How could the brief, mechanical event described (not so unlike, the scientists among them observed, the accidental preparation of their own ground for "budding") generate such giant expenditures of neural energy? "We live for love," they were assured. "Our spaceships, our skyscrapers, our stock markets are but deflections of this basic drive. Our clothes, our meals, our arts, our modes of transportation, even our wars, are made to serve the cause of love. An earthling infant takes in love with his first suck, and his dying gasp is clouded by this passion. All else is sham, disguise, and make-work."

The human colonies came to include females. This subspecies was softer and more bulbous, its aggressions more intricate and its aura more complacent; the Minervans never overcame their distaste for women, who seemed boneless and odorous and parasitic after the splendid first impression made by the early space explorers carapaced in flashing sheets of aluminum foil. These females even more strongly paid homage to the power of love: "For one true moment of it, a life is well lost. Give us love, or give us death. Our dying is but a fleck within the continuous, overarching supremacy of *eros*. Love moves the stars, which you cannot see. It moves the birds, which you do not have, to song." The Minervans were dumbfounded; they could imagine no force, no presence beneath their swirling, argon-bright skies, more absolute than death—for which the word in their language was the same as for "silence."

Then the human females, disagreeably and characteristically, would turn the tables of curiosity. "And you?" they would ask their little naked auditors. "What is it that makes *you* tick? Tell us. There must be something hidden, or else Freud was a local oracle. Tell us, what do you dream of, when your six eyes shut?" And a blue-green blush would steal over the warty, ridged, colorless epiderms of the Minervans, and they would titter and rustle like a patch of artichokes, and on their slender stiff limbs scamper away, and not emerge from their elaborate burrows until the concealment of night—night, to earthling senses, as rapid and recurrent as the blinking of an eyelid.

THE first clue arose from the sonnets the lovelorn spacemen used to recite. Though the words, however translated, came out as nonsense, the recitation itself held the Minervans' interest, and seemed to excite them with its rhythms. Students of the pioneer journals also noted that, by more than one account, before prostitution was abandoned as unfeasible the would-be courtesans offered from out of the depths of themselves a shy, strangulat-



"*Nice to meet you, Bascom. Any friend of laissez-faire capitalism is a friend of mine.*"

Wm Hamilton

"Tell me about your ascent."

• •

ed crooning, a sort of pitch-speech analogous to Chinese. Then robot televiewers were sufficiently miniaturized to maneuver through the Minervans' elaborate burrows. Among the dim, shaky images beamed back from underground (the static from the nickel was terrific) were some of rods arranged roughly in sequence of size, and of other rods, possibly hollow, flared at one end or laterally punctured. The televiewer had stumbled, it turned out, upon an unguarded brothel; the objects were, of course, crude Minervan equivalents of xylophones, trumpets, and flutes. The ultimate reaches of many private burrows contained similar objects, discreetly tucked where the newly budded would not find them, as well as proto-harps, quasi-violins, and certain constructions percussive in purpose. When the crawling televiewers were fitted with audio components, the domestic tunnels, and even some chambers of the commercial complexes, were revealed as teeming with a constant, furtive music—a concept for which the only Minervan word seemed to be the same as their word for "life."

Concurrent with these discoveries, a team of SASA alienists had persuaded a number of Minervans to submit to psychoanalysis. The pattern of dreamwork, with its loaded symbolization of ladders, valves, sine curves, and hollow, polished forms, as well as the subjects' tendency under drugs to deform their speech with melodious slippage, and the critical case of one Minervan (nicknamed by the psychiatric staff Dora) who suffered from the obsessive malady known as "humming," pointed to the same conclusion as the televiewers' visual evidence: the Minervans on their sexless, muffled planet lived for music, of which they had only the most primitive inkling.

In the exploitative rush that followed this insight, tons of nickel were traded for a song. Spies were enlisted in the Earth's service for the bribe of a plastic harmonica; entire cabinets and corporation boards were corrupted by the promise of a glimpse of a clarinet-fingering diagram, or by the playing of an old 78-r.p.m. "Muskrat Ramble." At the first public broadcast of a symphony, Brahms' Fourth in E Minor, the audience of Minervans went into convulsions of ecstasy as the strings yielded the theme to the oboe, and would doubtless have perished *en masse* had not the sound engineer mercifully lifted the needle and switched to the Fred Waring arrangement of "American Patrol." Even so, many Minervans, in that epoch of violated innocence, died of musical overdose, and many more wrote confessional articles, formed liberational political parties, and engaged, with sometimes disappointing results, in group listening.

What music meant to the Minervans, it was beyond the ken of earthlings to understand. That repetitive mix of thuds, squeaks, and tintinnabulation, an art so mechanical that Mozart could scribble off some of the best between billiard shots, seemed perhaps to them a vibration implying all vibrations, a resolution of the most inward, existential antagonisms, a synthesizing interface—it has been suggested—between the nonconductivity of their asbestos earth and the high conductivity of their argon sky. There remained about the Minervans' musicality, even after it had been thoroughly exploited and rapaciously enlarged, something fastidious, balanced, and wary. A confused ancient myth gave music the resonance of the forbidden. In their Heaven, a place described as mercifully dark, music occurred without instruments, as it were inaudibly. An elderly Minervan, wishing to memorialize his life, would remember it almost exclusively in terms of music he had heard, or had made.

WHEN the first Minervans were rocketed to Earth (an odyssey deserving its own epic: the outward flight through the thousands of miles of soupy hydrogen that comprised Jupiter's thick skull; the breakthrough into space and first sight of the stars, the black universe; the backward glance at the gaseous stripes and raging red spot dwindling behind them; the parabolic fall through the solar system, wherein the Minervans, dazzled by its brightness, mistook Venus for their destination, their invaders' home, instead of the watery brown sphere that expanded beneath them), the visitors were shocked by the ubiquitous public presence of music. Leaking from restaurant walls, beamed into airplanes as they landed and automobiles as they crashed, chiming from steeples, thundering from parade grounds, tingling through apartment walls, carried through the streets in small black boxes, violating even the peace of the desert and the forest, where drive-ins featured blue musical comedies, music at first overwhelmed, then delighted, then disgusted, and finally bored them. They removed the ear stopples that had initially guarded them from too keen a dose of pleasure; surfeit muffled them; they ceased to hear. The Minervans had discovered impotence.

—JOHN UPDIKE

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Bill Rounds is highly motivated, an independent thinker and a vociferous reader who truly enjoys the learning experience.—*International Teamster.*

Loves the sheer hurly-burly of it.

THE OCCUPATION

IT is widely known that a group of dissident fairies seceded from the Court of Elfhame in order to have more time for self-improvement. The Elfhame Dissidents had sickened of the frivolity of court life: pleasure was a burden to them; so was politeness. Beset with banquetings, love affairs, sonnets, whist drives, masquerades, and lotteries, they had no time to take themselves seriously. Their dissatisfaction gathered to a head and they planned a departure. Imprimis, their flight must be unequivocal. Defying the etiquette that Elfins of good breeding do not fly, they would leave by air, rising in a body without a word of explanation. As none of them had flown since childhood, the departure, if to be properly demonstrative, called for rehearsal. The surveillance which riddles court life, where everyone is on the lookout for something to talk about, made rehearsal difficult; they would have to practice in secret, or on the plea of needing violent exercise. Secondly, they must secure their peace of mind. However austerely they lived, they would need a few servants. At first they thought of requisitioning half a dozen changelings, to carry luggage, collect fuel and foodstuffs, prepare simple meals, and ward off intruders. Changelings seemed the answer till it was remembered that changelings are permanently visible, cannot fly, and have large appetites. An influx of visible pedestrian marauders would inevitably excite comment, and thus defeat their intention of living retired from the world. Changelings being out of the question, they were forced back on working fairies. In many ways, working fairies would be preferable: they knew their jobs, they were trained in obedience, they were cleanly. Unfortunately, the working fairies of Elfhame were passionately loyal to their Queen and content with their living conditions; but inquiries unearthed a few Dissidents in their lower ranks. It was arranged that on the day of departure these should rise early and hover round with the baggage till the main party led them to their destination. As for the destination, that need not be exactly decided on. The world is full of suitable solitudes, and if a solitude proved unsuitable they could move to another. For the first flight, they would not go very far.

The ascent took place on a fine September morning. Summoned by Lady Beline, the Court Harpist, with some rousing arpeggios, the Dissidents gathered on the terrace. So did the rest of the Court, to see what Lady Beline was up to. With a final glissando, she took to the air; the Dissidents rose more or less in a body and without a word of explanation. The working Dissidents joined them; some bundles, a cold ham, and a toasting fork fell among the onlookers. The Elfhame secession was achieved.

Lady Beline, flying and harping like Apollo, led them in a northeasterly direction, till she fell into an air pocket and damaged a wing. Sir Maugre and Sir Hune supported her to the ground. Forgetting that one of the conventions they had renounced was politeness, they sympathized with her and said nothing of the interrupted journey. They were on a bare, grassy hillside, and the grass was wet, for the day had turned to rain. Looking about for shelter, they saw a ruined castle on the hilltop (at that date the Scottish Border was peppered with ruined castles). The working fairies were sent up to investigate. Some sheep bolted out. When the working fairies came back they reported that much of the castle was still standing, though the roof was gone. The Dissidents climbed up the hillside, exclaiming at the view and the thistles. When they reached the castle they were pleased to find that an ash tree, the patron tree of fairies, had grown up inside it, and that they would look down on a river's twisting course through a hilly landscape, hill after hill interlocking like the fingers of clasped hands. Any little discomforts, said Lady Ellen, would be negligible in such surroundings. Sir Hune added that mountain air would ennoble appetite to an essential part of being. The ham had been lost, but the working fairies were told to fly off and collect any rustic fare they could lay hands on.

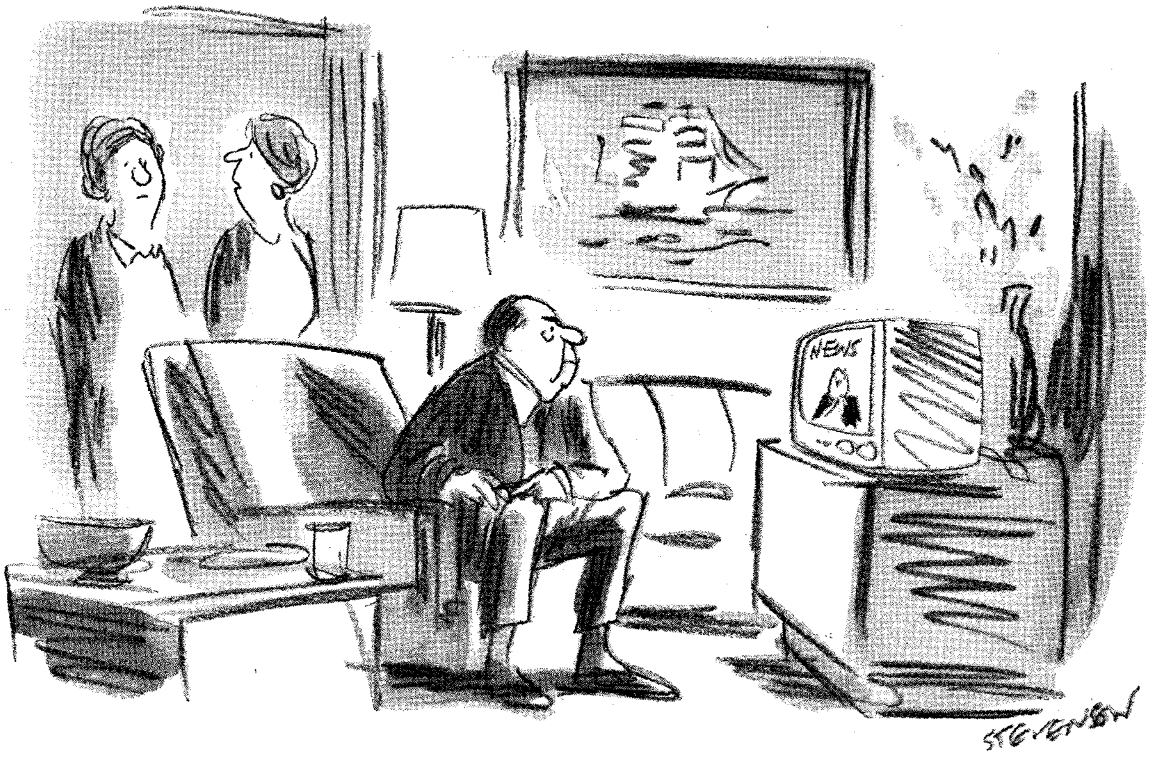
They were absent for some time. Gibbie, the most enterprising of them, returned with a ewe's-milk cheese and an armful of barley bannocks. Others brought watercress. Sir Maugre spoke of the Artotyrites, a Phrygian sect, who offered barley-bread and cheese to their god. This roused up a conversation about offerings: the flesh offerings of the heathen, the blameless figs and apples and radishes of classical Greece, the sacramental wine of the Christians, in whose Jesus a lingering strain of Dionysus is clearly perceptible. They conversed, and chewed. Eventually, Sir Maugre laid the remainder of his cheese and bannock aside, saying it defeated him, so he would offer it to God.

In the morning, it had gone (Gibbie had eaten it). But this was scarcely remarked on. There had been a frost during the night and they all woke up with colds in their heads. Their sneezes mingled with the baaing of sheep and the lilting of larks. Fairies are invisible, but they cannot always manage to be inaudible. Jamie Todd the shepherd, making his morning round, was perplexed. He was accustomed to his sheep coughing, but he had never known them to sneeze. They were not sleeping in their usual place, either. Something must be wrong with them, as there was with the rest of a fallen universe.

A west wind blew away the frost but brought more rain. Yellow leaves fell from the ash tree, mist retrenched the landscape. The Dissidents would have lost heart if it had not been for hot meals. The working fairies, foraging for themselves, caught enough trout and moorfowl to feed the party, roasting them in the ashes of a heather fire. Jamie Todd, connecting the sneezes and the smell of scorched grouse, said to himself, "Damned tinkers," and was comforted. The valley was full of supernatural nuisances—the red-eyed dog who blasted good grazing land by dragging a coffin over it, the kelpie in the deep pool by Cossar Hill, the Brownie of Bodsbeck. Tinkers could be damned and left at that.

Invisibility has many advantages, but it does not immunize its wearers against cold and wet. Gibbie and his fellows were enjoying their respite from Elfhame; he did not wish to see the Dissidents worsted by bad weather. Local mortals wrapped themselves in plaids, but plaids were not easy to come by. A working fairy named Neep happened to see a travelling webster peddling his wares—splendid plaids with the grease still heavy in them. Neep flew level with him, waiting for him to reach the head of the pass, where he would certainly sit down

FRAMING
DLG



"First, Reasoner gives him the day's events in sharp focus, plus a tight wrapup. Next, he gets interpretation and analysis from Robert MacNeil. Then it's two stiff drinks and 'Rhoda,' and it all goes down the drain."

out of the wind to rest. He did so, easing the pack from his shoulders. It was much too heavy for so old a man, thought Neep, flying off with it.

There were nine plaids, one for each Dissident, and one over. They were accepted, like the hot meals, as a matter of course—though with complaints about the smell. Beline said romantically that it was a step toward self-knowledge to learn what you could put up with. Beline was visionary and rather smug. Of all the party she was the most bent on self-approval. Her career as Court Harpist had given her exacting ideals of putting herself in tune, here tightening, here loosening, till all her strings were in accord with her intentions. Considered as strings, the rest of the party were apt to slip. Sir Maugre's erudition was so wide that whatever anyone said reminded him of something that had no bearing on it—as when a reference to the music of the spheres set him off on the conjectural compass of the Roman trumpet. The Roman trumpet reminded Sir Hune of an ancestral anecdote about Queen Boudicca, Sir Moray trumped Queen Boudicca with a family ghost. This outraged a Dissident called Titmuss—a flaxen-haired fairy with a mild manner, and the most embattled Dissident of them all. There could be no such thing as an Elfin ghost. Ghosts were a mortal appurtenance. If Moray's pedigree embraced a family ghost, it was a blot on the scutcheon, and nothing to boast about. Beline seized her harp to restore harmony. The sun shortly went down on their wrath.

THE sun continued to go down earlier and earlier, but it was still some time before the shortest day. Conversation persisted, since in the main they talked about themselves, but was repetitive. Already Malise and Barco had taken to meditating with their eyes shut. Ellen wished she had brought her fancywork. Ellen had joined the Dissidents because she was tired of being told she was always so serene. Titmuss continued to assure her of this, and now that she could no longer dispose of him in a satin-stitch rosebud she took to going for long walks and frightening any children she met by planting spiders on them. During one of these rambles she saw a family of mortals come out of a cottage, lock the door behind them, and walk up the valley. Their gait was resolute, as though overcoming unwillingness. Presently other families joined them, and were greeted with curt grunts of acknowledgment. They went forward with an air of being banded together to commit some crime they were not wholehearted about. If a dog or a child (their dogs and children accompanied them) dallied or strayed, it was shouted back. Such a gathering of mortals in a landscape where as a rule mortals were scanty was physically oppressive, but Ellen's curiosity was stronger than her fastidiousness; she determined to follow them to their appointed crime. The small noise of a bell came on the air. She remembered the massacre of St. Bartholomew (Maugre had cited it as an example of mortal *trop de zèle*), and guessed that something of the same sort was impending. The bell was perched on top of a lean stone building. The conspirators filed in and sat down in silence, the men holding their hats on their knees, the women their babies. Ellen was perplexed. Was it to be a massacre in reverse? If they were to be slaughtered it would account for that air of unwillingness. Presently a man wearing a black gown came in, walked up the aisle without looking to right or left, and opened with prayer.

No one was slaughtered. At intervals, everyone sang. Finally, they paid to go away.

When Ellen recounted what she had seen, there was a volley of explanations. It was a means of livelihood, it was a mass migration, it was a choir practice, it was a fertility rite, it was a religious observance, it was an endurance test, it was a way of keeping warm. All agreed in regretting that Ellen had not stayed to see what happened next. It might have been a massacre after all.

Next day she led the Dissidents (except for Malise and Barco, who preferred to meditate) to the scene of whatever it was. The lean stone building was locked and empty. A few sheep were feeding in the enclosure round it, a few old discolored bones lay in one corner, but there was no trace of a mass grave. A path led through a plantation of fir trees to a dwelling house with damp-stained walls. It too was locked and seemed lifeless, but a thread of smoke rose from the chimney and a smell of mutton hung on the air—boiled mutton; but after grouse for so many weeks boiled mutton was a thing to languish for. They languished for some time with chilling feet, standing markedly apart from Ellen, who had brought them all this way with her talk of massacres to nothing better than a smell of boiled mutton in a lifeless house. Back in the castle, they felt even more aggrieved. Malise and Barco had been questioning Gibbie, who told them that the belled building was Cotho Kirk. Six days a week it was locked, and on the seventh day the local mortals went there to hear a sermon. This was known as observing the Sabbath.

No more was said of the morning's excursion till Saturday, when Malise and Barco said they would like to observe a Sabbath; would Ellen guide them to Cotho? That night there was a snowfall. It did not dissuade the other Dissidents from coming too.

TILL three o'clock that morning, Gideon Baxter, Minister of Cotho, had sat up revising his sermon. The house was full of the silence of snow. The least sound was portentous. The wall clock ticked as though the fate of mankind hung on its leaden weights. When he put down his pen it fell on the desk like a hammer blow. Jael took a hammer and drove a nail into the head of Sisera. In eight hours' time, under God's will, he must hammer his sermon into the heads of his congregation. It was the last sermon in Advent, the last chance to hammer in the reality of a Day of Judgment, the wrath of an offended God, the untiring pains of Hell. For on the heels of Advent came Christmas, that backsliding season of riot and drunkenness, of going from house to house singing and shouting like revellers, of kissing under the heathen mistletoe, of neighbor toppling neighbor into damnation in the name of mirth and good fellowship. And on the heels of Christmas came Hogmanay, puffing Christmas embers into a flaring godless defiance of the cold and scarcity the New Year would bring. How many would remember his words then, how fast would his nails hold?

When the Dissidents arrived the building was already full of mortals, looking as if they had never stirred out of it. A smell of wet dogs reinforced the smell of fusty clothes. The fairies perched on a couple of windowsills. The door closed behind the Minister. Seeing him from above, Ellen noticed that he was going bald, and that scurf lay in the puckers of his gown. Because she had seen him before, she felt an embarrassed ownership. It was needless. The others had come for a spectacle, and were making the most of it. They commented in whispers, as though they were at Court, admiring, speculating, exclaiming—in Sir Maugre's case, explaining. Beline and Hune took part in the singing, vocalizing drawn-out fa-las. A dog started up and gave a long tremulous howl. Other dogs joined in. A man charged down the aisle and beat them to silence. Maugre was already so *au fait* with the Church of Scotland that when the gowned man climbed into the pulpit he whispered commandingly, "Quiet, all of you! This is the sermon."

"This may be the last time some of you will hear me," the preacher began. He looked sickly—but not so sickly that he would die within the week, thought Ellen. It appeared that it was the death of others he was expecting.

From the opening of his sermon, Gideon Baxter was conscious of something unusual—an indefinable, unmistakable awareness, such as a change in the wind might bring to a man in a closed house. He was being listened to with attention. He was so flooded with gratitude that he scarcely dared to go on. He lost his place, repeated himself, missed half a sentence, stammered like a lover. The manuscript dazzled before his eyes; he turned over two pages at once and had switched from avarice to carnality before he noticed it. His hearers did not seem unsettled. They listened as though they had never before been told of the uncertainty of human life, the certainty of what would follow it. Their listening infused his words with such freshness and fervor that he was as much preaching to himself as to them, and in the first elation of a conversion. He broke away from his text to enlarge on the joy—only one degree lower than that of angels—of the man who is so fully assured of the terribleness of God that he can love him with the whole energy of a purged heart. Here and there a child whimpered, now and then a voice threatened a dog; there was the customary shuffle of feet. Today it was no more to him than a crying of curlews.

"And finally . . ." "Finally" was the warning, the nail driven in at the close of every last sermon in Advent, to be knocked out by merry Christmas. It was the warning against relying on the efficacy of a deathbed repentance. The Christmas before, he reminded them, two of their number while going from one merrymaking to another had lost their way in the dark and fallen into the river. They had been heard shouting for help before the strength of the river had thrust them under and drowned them. They had shouted for help, and found none. If they had cried for mercy, would they have found it? Leaning over the pulpit's edge as though he would have embraced his hearers, he adjured, he implored them to bear in mind the words of Master Thomas Boston, Minister of Ettrick. Let not the profligate think he can leap from the harlot's lap to Abraham's bosom.

The fairies broke into animated discussion. Who was Abraham? Maugre knew but could not at the moment remember. Why was his bosom preferable to a harlot's lap? If it were cited as an antithesis, surely it would be bony and less reposeful? Maugre remembered that some races swore by the beard of Abraham. Beline exclaimed that she detested beards; nothing would induce her to such a leap. Let sleeping dogs lie, added Hune. They

MY LIFE
W. Steig

were still debating when the last member of the congregation had paid and gone; then, seeing the door about to close on the preacher, they hurried after him in a buzz of conversation like bees swarming. He went home saddened. The hope had occurred to him that one, at least, of those attentive hearers might have a word of commendation. Instead, a little girl wished him a merry Christmas.

The nail did not hold. On Christmas Eve a party of drunken shepherds came to his door, stuck a holly sprig in the keyhole, and stood in a row singing a ballad about John Barleycorn and inviting him to come for a drink. The invitation was not lost on Moray and Titmuss, who leaped from an upper window and followed the shepherds.

BY now, the Dissidents were living in the manse. It had its drawbacks: there was no view; the rooms were dark, it was dirty and malodorous, its few ornaments were in the worst of taste. But it had a sound roof and the kitchen was warm. Except for a bannock and the occasional egg, they did not have to depend on Mistress Baxter's providing; the working fairies had come with them and the supply of grouse was kept up. The kitchen was warm because a continual peat fire smoldered on the hearth, to be puffed into a blaze when needed. It was not often needed. The working fairies were censorious about the parsimony prevailing in the manse kitchen: the moldy turnips that went into the pot along with the sound ones, the salt herring boiled with a dish of kale to give it a whet, and withdrawn to help out another meal. A smell of singed wool drew them one and all to the kitchen, where it was an ever-fresh delight and marvel to see that frail woman, great with child, split a sheep's head with one blow of a hatchet. Before the two halves were bound together with a tape, as the jaws of a dead man are bound, the tongue and the brains were taken out to be a regale for Mr. Baxter and the boy—the eyes being left in to add richness to the broth which would feed herself and her daughter. She was a woman whose work was never done. Cooking, scouring, laundering, sweeping, fetching peats, carrying water, putting patch on patch, she ran from one labor to another, tripping over her skirts. When Gibbie's intolerance of dirt drove him to sweep a floor or rub the stair rail, she was too tired to notice the difference. He felt an appalled admiration for the woman, and when the other working fairies moved to better quarters in a cow byre he stayed on.

While admitting the drawbacks of life at the manse, the Dissidents made light of them—perhaps because they had chosen to go there: members of the ruling class are unwilling to admit themselves mistaken. As Beline said, Inward contentment is at home anywhere. Maugre and Titmuss made themselves at home in Gideon Baxter's study. Titmuss studied cobwebs, Maugre proceeded along the bookshelves, learning with pleasure about heresies in the Dark Ages. Ellen played with the children.

Ellen had a knack with children. By listening attentively, she could hear their thoughts, and put new thoughts and fancies into their little minds. In Elfhame children resisted, some rushed from her, screaming, but she was popular with parents and nurses relied on her.

There were always some children at the manse, though their number fluctuated with mortalities. At this time, there were two, Ezekiel and Margaret. Ezekiel was undersized and rickety, but thought to be promising: at the age of five, he had mastered three alphabets—European, Greek, and Hebrew. Ellen had practiced on changelings, so mortal children came easy. She soon discarded Margaret, whose thoughts dwelt on food and arithmetic. Ezekiel, the younger of the two, was more rewarding. By listening to his thoughts, and clearing away what his father had taught him, she discovered that he lived in a world of words—turning them over in his mind, repeating them to himself, fitting them with new meanings or deepening the meanings he knew. Ellen put new words into his mind, choosing them carefully and observing what he did with them. She got some of her best results with simple technical terms which he could not relate to anything in his experience. "Hemming and felling" absorbed him for days. In the end, they became a ceremonial leaping from pew to pew. In the course of listening to his thoughts she picked up several words unknown to her, such as Urim and Thummim, which according to Ezekiel were blue lamb's-wool mittens; but she was content to leave them a mystery.

Whenever the ground was free of snow, the children were sent out to collect fir cones for kindling. The fir plantation neighbored the graveyard; there were always cones to be found there, and entertainment—especially for Margaret, who added up dates of births and deaths, divided the sum total by 666 (the Number of the Beast), or the seven lean kine, or the Ten Commandments, or whatever she fancied at the moment, and calculated the average age of demise for living parishioners by the statistics of the dead. She was hampered by the insufficiency of her material. Many of the inscriptions were blunted by time and lichen: it might be a 5, it might be an 8. Others had gone underground with their swallowed headstones. One word was so deeply cut that it was inescapable. It was incised on a large slab which was embedded in the ground above a family grave: the word was "LAIR." Ellen had noticed that Ezekiel avoided this slab, leaving its fir cones for Margaret to gather. She drew his attention to it. She heard a turmoil of thoughts, words snatched up at random to smother the thought beneath. She imposed a word. A tiger striped with blood leaped out of the lair, and the boy ran screaming, just as the changelings had done when she experimented with wolves. His screams were heard. His mother ran from the house, bundled his head in her apron, and told him to be quiet, for his father was writing the sermon.

When Gideon Baxter sat down to compose his last sermon for the year, he disciplined himself with admissions of delusion and vainglory. He would not expect it to be received with such attention as its precursor had been—or seemed to be. Preaching was his duty; in his unquestioning acceptance of it as a pleasure he had accepted a temptation, and sinned. The temptation recurred. He had not spoken his first sentence before the feeling of being attended to sang in his ears. This time, he had known it for what it was—a permitted assault, Satan's licensed try at him, which he must both resist and submit to. By the end of January he had resisted so efficaciously that though the attention persisted he got no pleasure from it.

The permitted assault moved to a different field; instead of being listened to, he was watched. To mortify his vanity, the watching was fitful, directed on him from here, from there. It sported with him as if he were a toy to be taken up, then tossed aside. It surprised him when he prayed, when he defecated, while he was hearing Ezekiel conjugate *fero, ferre, tuli, latum*. In sleep he would become aware of a scrutiny that observed his dreams.

As for what Ellen saw there, she kept it to herself. It amused her to be better informed about the Minister of Cotho than were the other Dissidents, whose surmises were often wide of the mark. Moray, that slave to superstition, attributed Mr. Baxter's melancholy to the traditional liability of mortal husbands to suffer the discomforts of a pregnant wife. Seeing him clutch his head in his hands, Moray said knowingly, "You see? He's got toothache now." At which Maugre remarked that Genghis Khan was born with teeth.

The days lengthened, the cold strengthened, the house grew dirtier and dirtier. Gibbie was in despair. On the first of March, Mistress Baxter fell in labor. The midwife knew what to expect and brought a stiff broom. Gibbie saw the bedchamber cleaned and set to rights, the kitchen table scrubbed, the dirty linen washed and hung out to sweeten in the frost. He was not the only person to be grateful to this admirable woman. Gideon Baxter's window was open when a crony came to the door to ask how things were going.

"Well, she's just taking her time. But it's an awful house for mislaying things. There's three eggs I can't put my hand on, and the sugar I beat small for making the caudle, half of it has clean vanished."

"Mice, likely," said the crony.

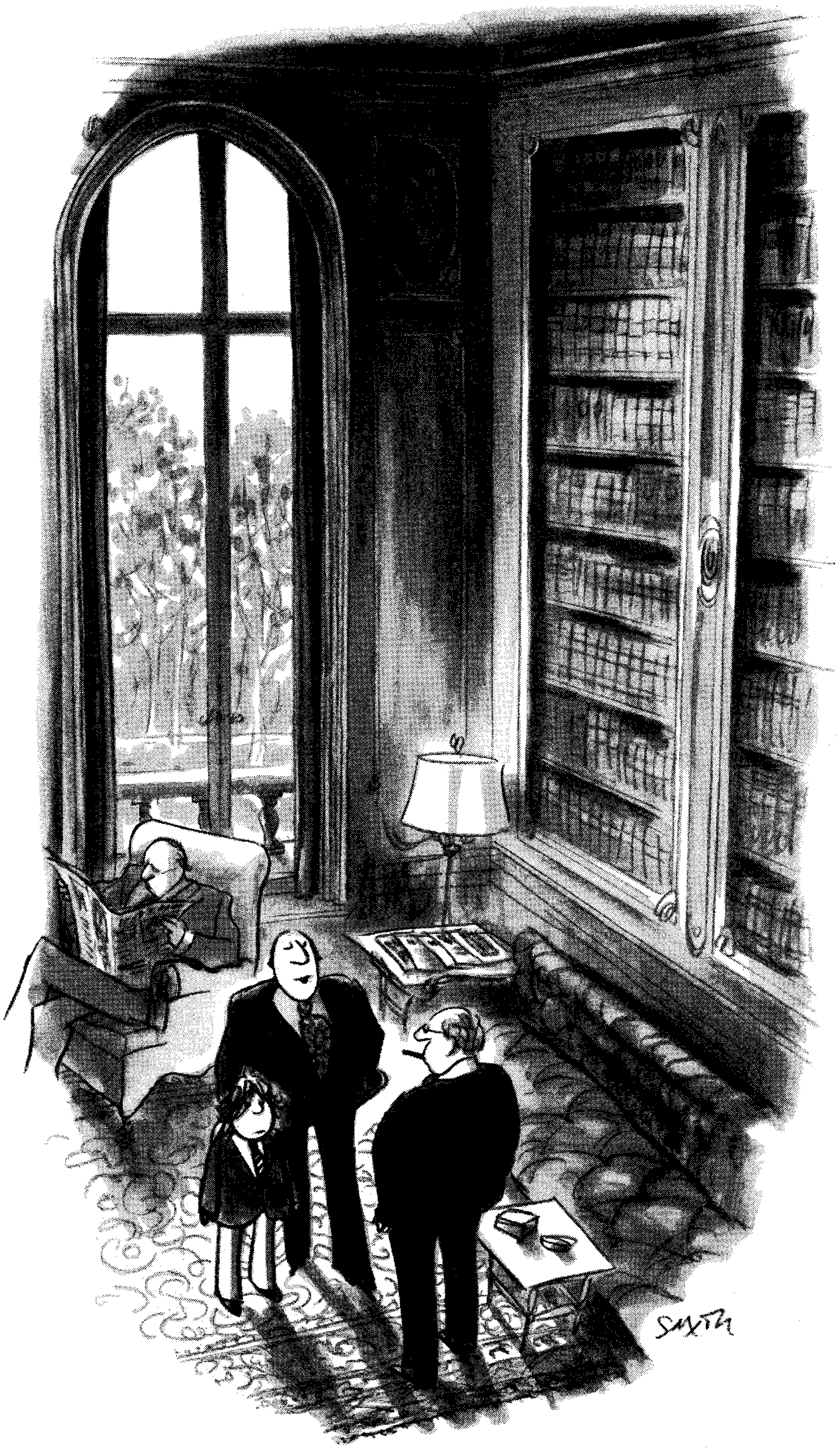
"And what would mice be doing with eggs? No, no, there's more than mice about this house. It's themselves, Ailie, it's the Good Folk. They're always pilferers."

The Good Folk . . . The Little People . . . Fairies. As if the wind entering by the open window had blown him, Gideon Baxter went to the bookcase, where, on the top shelf, there was a manuscript his uncle had given him, commenting that if it weren't idle nonsense it would be a case for the Kirk Session. But the manuscript was written in a scholarly hand, and from respect for scholarship he had kept it. Now, when he wanted it, he could not find it. He searched on, and found it on a lower shelf, where it stood the wrong way up.

THE SECRET COMMONWEALTH

(A Treatise displayeing the Chiefe Curiosities as they are in Use among diverse of the People of Scotland to this Day; SINGULARITIES for the most Part peculiar to that Nation. . . . By Mr Robert Kirk, Minister at Aberfoill. 1691.)

"These *Siths*, or FAIRIES, they call *Sleagh Maith*, or the Good People, it would seem, to prevent the Dint of their ill Attempts, (for the Irish use to bless all they fear Harme of;) and are said to be of a midle Nature betwixt Man and Angel, as were Daemons thought to be of old; of intelligent studious Spirits, and light changable Bodies, (lyke those called Astral,) somewhat of the Nature of a condensed Cloud, and best seen in Twilight. Thes Bodies be so plyable thorough the Subtilty of the Spirits that agitate them, that they can make them appear or disappear att Pleasure. Some have Bodies or Vehicles so spungious, thin, and desecat, they are fed by only sucking into some fine spirituous Liquors"—"Those eggs," Gideon Baxter

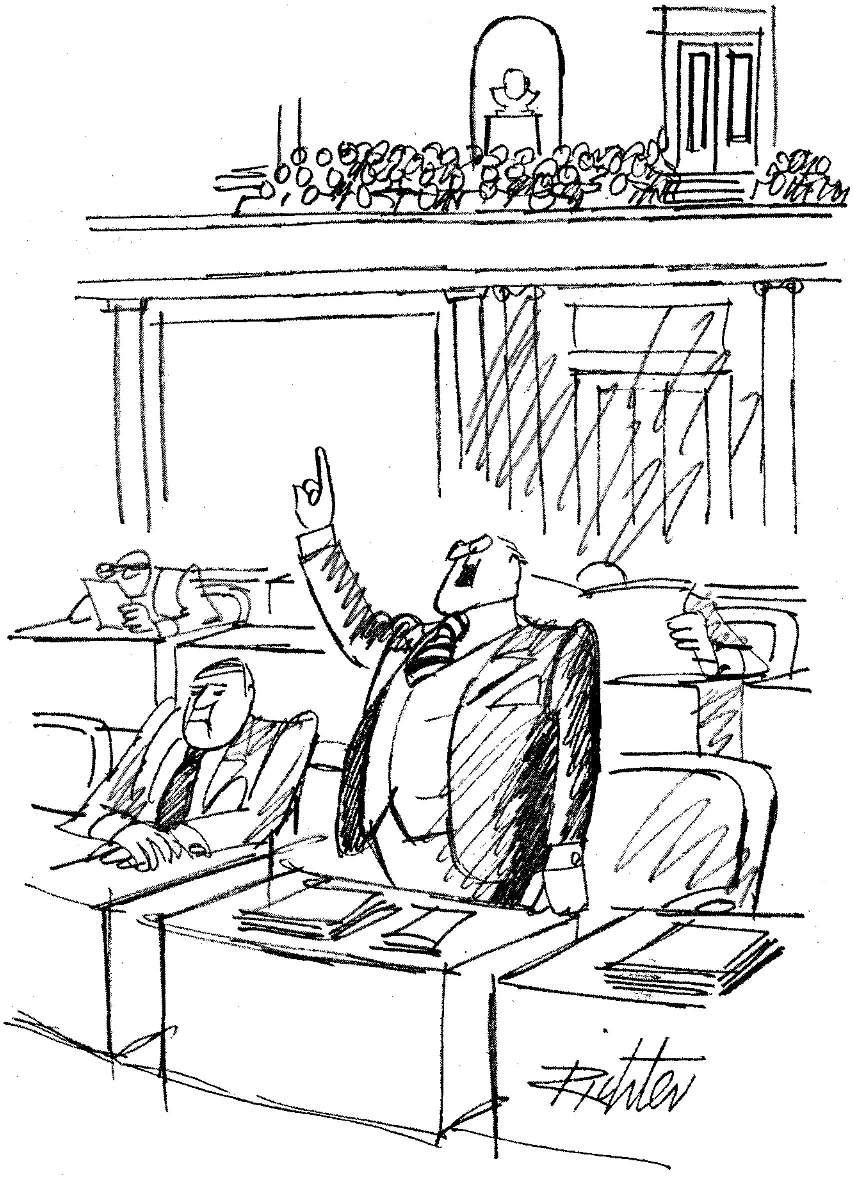


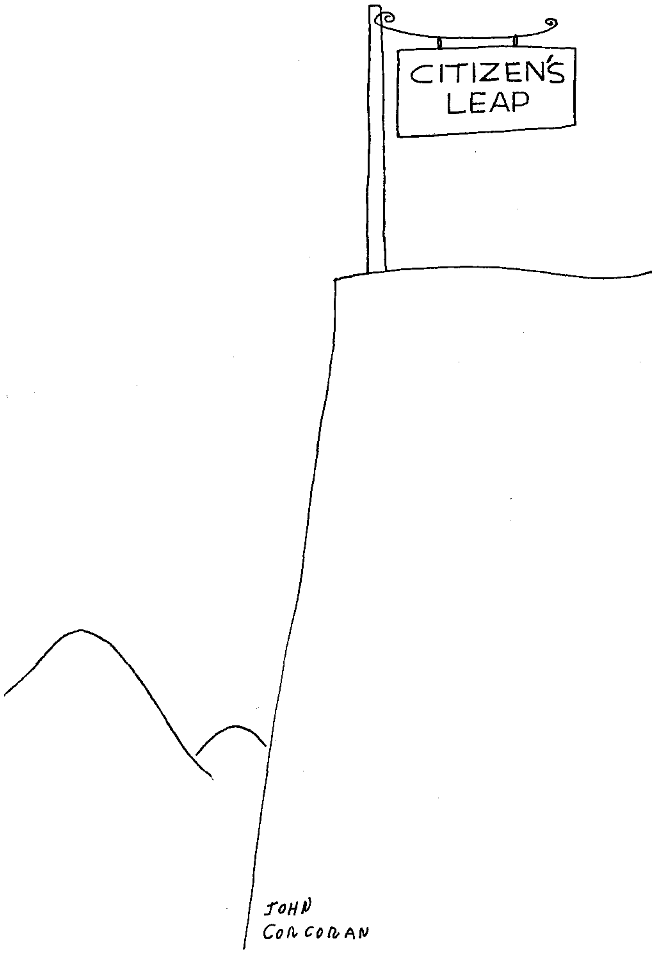
"Greg, Jr., and I have great rapport."

said; and read on—"... for they are empowred to catch as much Prey everywhere as they please." In which case they were no pilferers, and furthermore possessed Free Will. He stared round at his empty room, smiling, as if to welcome these guests: intelligent, studious spirits, a companionship he had longed for ever since coming to Cotho. Undoubtedly it was they who listened to his pre-Christmas sermon, listened as his congregation had never done. "They are clearly seen by these Men of the SECOND SIGHT to eat at Funeralls and Banquets. . . . So they are seen to carrie the Beer or Coffin with the Corps among the midle-earth Men to the Grave." And he had slighted these friendly courteous beings in all his sermons since, shutting his ears to their attention, refusing to take pleasure from it. Dolt! Ingrate! But he would make amends. Watching him as they did (and he had even felt irked by it), they would recognize his change of heart and make allowance for the slow-wittedness of a middle-earth man. He looked at the clock and calculated how many hours of the extended daylight must pass before the twilight when they would be best seen.

HE never saw a fairy, but from time to time he heard snatches of harp music and a lulling voice. At all times he lived in hope and happiness—a state so strange to him that had it not been for the warrant of Robert Kirk's treatise, he would have supposed himself out of his mind. His household battered on; Sabbaths recurred; his child had been born, a boy, and hastily baptized Benjamin, for there was doubt whether it would live. It lived: he had three children, a wife, a stipend, a God, and the companionship of fairies. It was to the fairies he preached, disregarding Lent to dwell on the wonders of Creation. It was the fairies his mind conversed with, consulting them which text he should draw from the folio Bible that lay always on his desk, which reading of a vexed passage he should follow; and relieved by their assurances that its meaning was quite otherwise and perfectly simple, as he himself had privately thought. They far excelled him in speculation, in subtlety of reasoning, but had their bounds and limits, like mortals. "They live much longer than wee; yet die at last, or at least vanish from that State. 'Tis ane of their Tenets, that nothing perisheth, but (as the Sun and Year) every Thing goes in a Circle, lesser or greater, and is renewed and refreshed in its Revolutions." It was this passage that his uncle had particularly censured, declaring that Robert Kirk was no better than an apologist for Hindoos; but Gideon had used the substance of it in a sermon, as an illustration of God's property of mercy, which even in Heaven refreshes the souls of the elect—at regular intervals, too, as the stars move in their courses. And he had looked toward his invisible congregation, hoping the allusion would please them. He was anxious to show his gratitude—except that he was no longer anxious about anything. So, for seven weeks, he lived in bliss.

When Mistress Baxter was back on her feet, she was so weakened by her lying-in that she could not cleave a head or carry a bucket. Sarah Lowes, the daughter of an elder, was hired as a daily help. She was young and strong and willing, and Gibbie rejoiced in her arrival. Housecleaning was getting beyond him; he had his work cut out to feed the Dissidents in this lean time of year, when trout sulked under the stones, and weasels and kites and foxes were quicker after the grouse than he. At midnight he would blow the peats under the girdle-plate and make barley bannocks—fortunately, there was still a fair supply of meal in the meal chest. The noise of the baby's wailing drifted through the house. It was a fretful little creature, always grizzling and lamenting its lot. Beline, and unexpectedly Titmuss, felt kindly toward it: Beline harped to it, Titmuss rocked the cradle. It only wailed the more. Malise and Barco complained that it was impossible to meditate through such caterwauling. They waited for a moment when the child was left alone, took it from its cradle, hurried down to the kitchen, and shut it in the meal chest. They had barely resumed their meditations before a new uproar broke out. Mistress Baxter had found the cradle empty. She rushed up and down,


"As I stated at Disneyland . . ."



calling and exclaiming, opening doors and banging them shut, slapping Margaret and Ezekiel out of her way. Sarah Lowes rushed beside her, but with more fortitude, declaring that the fairies must have taken the child. Gideon had not heard such a commotion since the day the hen flew up the kitchen chimney. He roused himself and went downstairs. His wife cast herself on his neck, crying out, "Minister, Minister, the fairies have stolen my baby!" She paused to draw breath. He heard a faint wailing, like an echo of her screams. "Hush," he said. "You can't have looked properly. I can hear it." "Aye, we can hear it well enough," said Sarah. "It's crying overhead. It's loath to go with them, poor innocent!" Ellen, who had enough of the fun, gave Gideon a shove toward the meal chest. He lifted the lid. The child was half buried in meal, sneezing and choking, but still with enough strength to bewail. He picked it up and looked at it. They were too late! The wizened, sharp-faced creature in his arms was a changeling, substituted for his own child.

He felt the weeping resentment of a man betrayed. He felt the fury of a man made a fool of. And reason stood up and told him that both resentment and fury were unjustified. He had only his own simpleton self to blame.

Maugre, who had ignored the uproar and gone on reading, was taken aback by the man who reëntered the study, and thought he must have been murdering his wife: nothing else could account for such looks of calm and finality. Maugre too had read "The Secret Commonwealth," and thought it passable, though somewhat old-fashioned, and too full of mortal violence. He had particularly disliked the Second-Sighted person who boasted he had "cut the Bodie of one of those People in two with his Iron Weapon." This was going too far, even for a legend. No one fancies the thought of being cut in two like a wasp at a picnic.

The Minister sat down at his desk, as usual. The pages he had been writing so impetuously not ten minutes since lay before him. He took them up and with great composure tore them in half. When the wall clock uttered the rasping grunt with which it prefaced striking the hour, he seized the heavy Bible which lay on the desk and hurled it at the clock with his whole force. It smashed the glass over the clockface and fell on the floor, where it lay gaping, its back broken, while bits of broken glass dropped more slowly after it. The clock struck. Deranged by the blow, the clock went on striking—the next hour, the hour following, the hour after that.

Margaret stood outside, counting the strokes. Midnight past and Wednesday begun: sixty-three. Wednesday noon: one hundred and forty-one. Wednesday midnight: two hundred and nineteen. Thursday midnight: three hundred and seventy-five. Friday midnight: five hundred and thirty-one. By Saturday morning the strokes began to lag. She had fastened her ambition on eleven o'clock of Saturday night, which would exceed the Number of the Beast by nine. At six hundred and fifty-eight it paused, but began again. Six hundred and sixty-two. It paused, choked, and struck. Six hundred and sixty-three. A much longer pause. Then, like the last drops of blood wrenched from a wound, there were two strokes, and no more. The Beast had won by a single stroke. She felt lonely, and on an impulse she knocked on the door. There was no answer. She opened it, but did not cross the threshold. Her father was sitting at his desk. In a tranquil voice he said, "Go away, Margaret. I might kill you." Obediently, she went away. As she closed the door, Maugre slipped out. That night the Dissidents agreed that the noise, disorder, and dirt of the manse had exhausted their patience, and that they would leave on the next tolerably fine morning.

AS Gideon Baxter refused to set foot in the Kirk, alleging that he was damned, the Cotho elders felt obliged to report him to the Overseers. Students were sent on Sundays to take his duties, and as no one could be induced to settle at Cotho he was allowed to live on in the manse with the hope he might recover his reason. He was harmless, except for his conviction that Benjamin was a changeling and, as such, should be exposed in some silent place where the fairies would find him and carry him away. He wished the boy no harm, he said, only that he should be happy among his own people. He showed astonishing pertinacity and cunning in getting hold of the child, and a degree of reason in choosing where to abandon it—if on the open hillside, with a heather windbreak; if in the valley, on the soft grass that grows beneath elder trees. In the end, there was nothing for it but to have him declared a madman and taken to the County Bridewell, where he lived to a great age. Mistress Baxter went with the children to live with her sister above a grocery shop in Glasgow, where she was much happier, just as dirty, and insisted on her standing as a Minister's wife.

—SYLVIA TOWNSEND WARNER

•

From 8:00 A.M. until well after midnight, NEWS reporters flung from Fort Kent to Rockland and beyond, work diligently with their tools.—*Adv. in the Bangor (Me.) Daily News.*

After being treated for abrasions.

SEARCHING FOR THE OX

1

I have a friend who works in a mental hospital.
Sometimes he talks of his patients.
There is one, a schizophrenic;
she was born during the Korean War
and raised on an Air Force base.
Then the family moved to La Jolla.
At fourteen she started using speed
because everyone else was using it.

Father, I too have my cases:
hands, eyes, voices, ephemera.
They want me to see how they live.
They single me out in a crowd, at a distance,
the one face that will listen
to any incoherent, aimless story.
Then for years they hang around—
"Hey listen!"—tugging at a nerve.
Like the spirits Buddhists call
"hungry ghosts." And when they sense an opening,
rush in. So they are born
and live. So they continue.

There is something in disorder that calls to me.
Out there beyond the harbor
where, every night, the lighthouse
probes the sea with its feathery beam,
something is rising to the surface.
It lies in the darkness breathing,
it floats on the waves regarding
this luminous world,
lights that are shining round the shoreline.
It snorts and splashes,
then rolls its blackness like a tube
back to the bottom.

At dusk when the lamps go on
I have stayed outside and watched
the shadow-life of the interior,
feeling myself apart from it.
A feeling of—as though I were made of glass.
Or the balloon I once saw in Florida
in a swimming pool, with a string
trailing in loops on the surface.
Suddenly the balloon went swivelling
on the water, trying to lift.
Then drifted steadily, being driven
from one side of the pool to the other.

2

There is a light in a window opposite.

All over the world . . . in China
and Africa, they are turning the pages.
All that is necessary is to submit
to engineering, law—one of the disciplines
that, when you submit, drive you forward.

There have been great strides in space.

On a flight leaving Kennedy
I have heard the engineers from I.B.M.
speaking slide-rule and doing their calculations.
I saw the first men leave for the moon:
how the rocket clawed at the ground
at first, reluctant to lift;
how it rose, and climbed, and curved,
punching a round, black hole in a cloud.
Before I got back to Orlando
it had been twice round the world.

And still, I must confess,
I fear those *messieurs*, like a peasant
listening to the priests talk Latin.
They will send me off to Heaven
when all I want is to live in the world.

3

The search for the ox continues.
I read in the *Times* there are young men in Osaka
called Moles. They live underground
in the underground shopping center.
They cut a joint off their little finger,
and they say, "All Al Capone."

I have a friend who has left America—
he finds it more pleasant living in Italy.
O ruins, traditions!
Past a field full of stones,
the ruins of vine-wreathed brickwork,
the road in a soundless march continues
forever into the past.

I have sat in the field full of stones—
stones of an archway, stones
of the columns of the temple,
stones carved S.P.Q.R.,
stones that have been shaped
as women are. . . .
Limbs of the gods that have fallen,
too cumbersome to be borne.

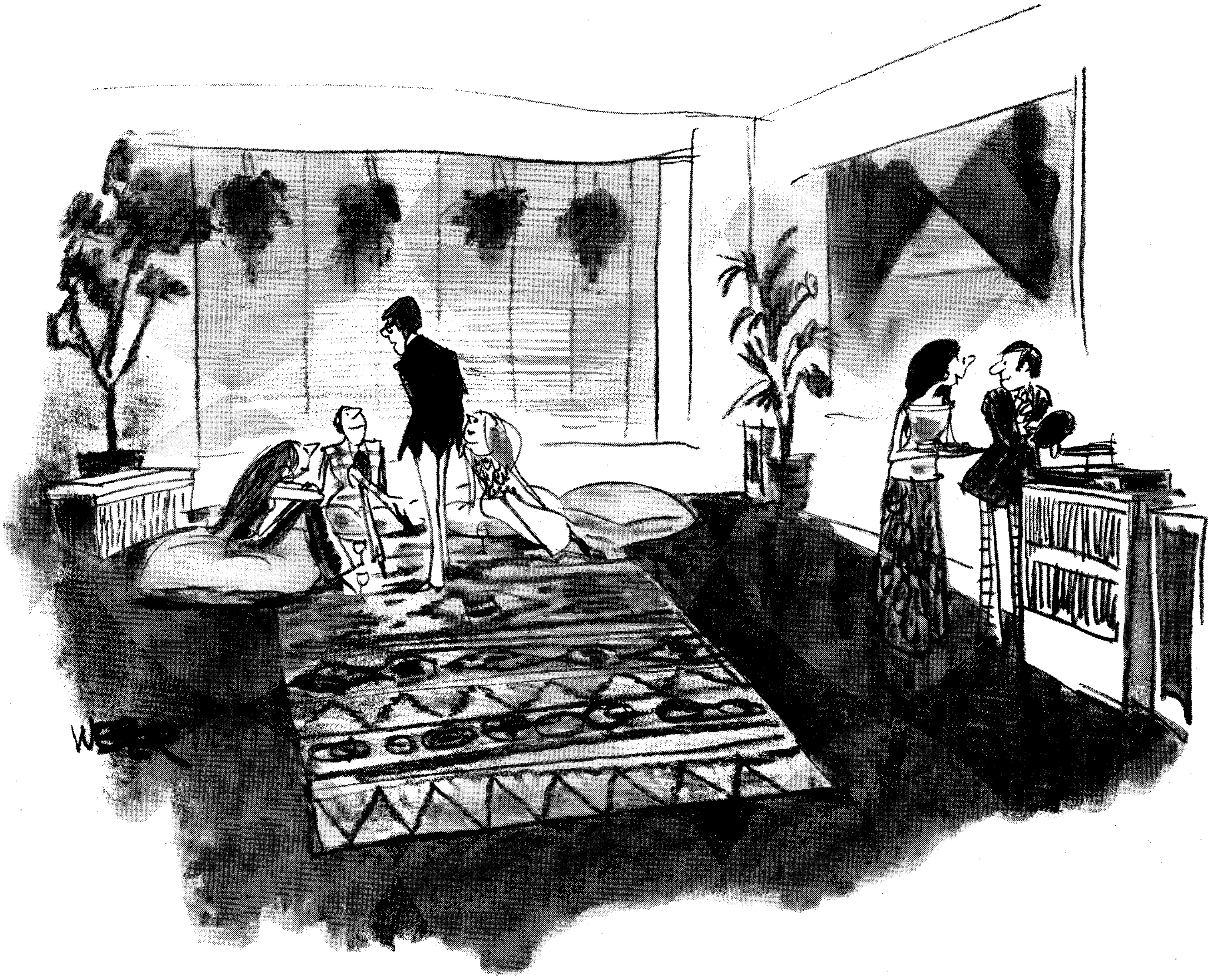
By the lake at Trasimeno . . .
If Hannibal had not paused at Trasimeno
the history of the world would have been different.
How so? There would still be a sound
of lapping water, and leaves.

4

"As you have wasted your life here in this corner
you have ruined it all over the world."
This was written by Cavafy who lived in Alexandria.
Alexandria, with blue awnings
that flap in the wind,
seawalls gleaming with reflections.
A steam winch rattles,
an anchor clanks,
smoke drifts over the rooftops,
and at night the lighted streets go sailing.

At night the gods come down—
the earth then seems so pleasant.
They pass through the murmuring crowd.
They are seen in the cafés and restaurants.
They prefer the voice of a child
or the face of a girl to their fame
in their high, cold palaces on Olympus.

In the evening the wind blows from the sea.
The wind rises and winds like a serpent
filling the diaphanous curtains
where the women sit: Mousmé,



"Honey, I think Gregorian chants might be nice with the cheese."

• •

Hélène, and the English girl.
When you pass, their lips make a sound,
twittering, like the swallows
in Cyprus that built their nests
in the temple, above the door.
Each one has a sweetheart far away.
They are making their trousseaux;
they don't make love, they knit.

In the bar down the street
a door keeps opening and closing.
Then a pair of heels go hurrying.
In the streets that lead down to the harbor
all night long there are footsteps
and opening doors. It is Eros
Peridromos, who never sleeps till dawn.

5

Following in the Way
that "regards sensory experience as relatively unimportant,"
and that aims to teach the follower
"to renounce what one is attached to"—
in spite of this dubious gift
that would end by negating poetry altogether,
in the practice of meditating
on the breath, I find my awareness
of the world—the cry of a bird,
susurrus of tires, the wheezing
of the man in the chair next to me—
has increased. That every sound
falls like a pebble into a well,
sending out ripples that seem to be continuing
through the universe. Sound has a tail
that whips around the corner.
I try not to follow. In any case,
I find I am far more aware
of the present, sensory life.

I seem to understand what the artist
was driving at; every leaf stands clear
and separate. The twig seems to quiver
with intellect. Searching for the ox
I come upon a single hoofprint.
I find the ox, and tame it,
and lead it home. In the next scene,
the moon has risen, a cool light.
Both the ox and herdsman vanished.

There is only earth:
in winter laden with snow,
in summer covered with leaves.

—Louis Simpson

ANNALS OF LAW

THE LIBERTY OF EVERY MAN—II

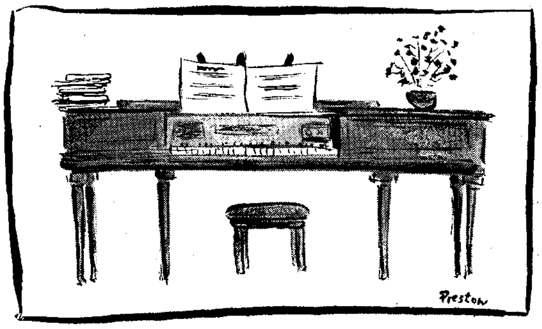
"WHEN we were arrested, I had the crazy feeling that the police could do anything to us they wanted to—toss us in a blanket, feed us cookies and ice cream, or strangle us—and there would be nothing, nothing at all, we could do about it," Alan McSurely said after he and his wife, Margaret, were arrested in the summer of 1967 and charged with sedition against the State of Kentucky for their attempts to organize the poor people of Appalachia and persuade them to demand their rights as citizens. "Later, I saw that it wasn't so crazy after all, because the police in this country *can* do much as they please." Despite the freedom of the Pikeville, Kentucky, police to do much as they pleased to the McSurelys—to arrest them on a flimsy pretext, to confiscate all their books and private papers, and to lock them up in the county jail—the couple were confident that the state sedition law would be shown up as a legal farce by the federal courts, and that they would soon be released, together with their property, from custody. They got out of jail on bond after a week, and before long their confidence in the American legal system appeared to be justified when a federal court found the state law unconstitutional and the behavior of the Kentucky officials who had enforced it obviously motivated by their own political and economic concerns. But the McSurelys were wholly unprepared for the assertion of far greater legal power than the Commonwealth of Kentucky possessed to make them feel helpless—the immense power of the United States government, which immediately subpoenaed most of the documents seized from their house at the time of their arrest for examination by a Senate subcommittee. Their lawyer assured them that the laws governing congressional subpoenas were anything but a farce, and warned them that if they refused to comply each of them could be fined a thousand dollars and sent to prison for a year. Even so, the McSurelys decided that they could not, as free Americans, allow their privacy to be invaded and the product of that invasion to be used so wantonly against them. It was this point—their privacy as guaranteed by the Fourth Amendment in the Bill of Rights—that was to be bitterly fought over and to consume a large part of their lives for the next seven years.

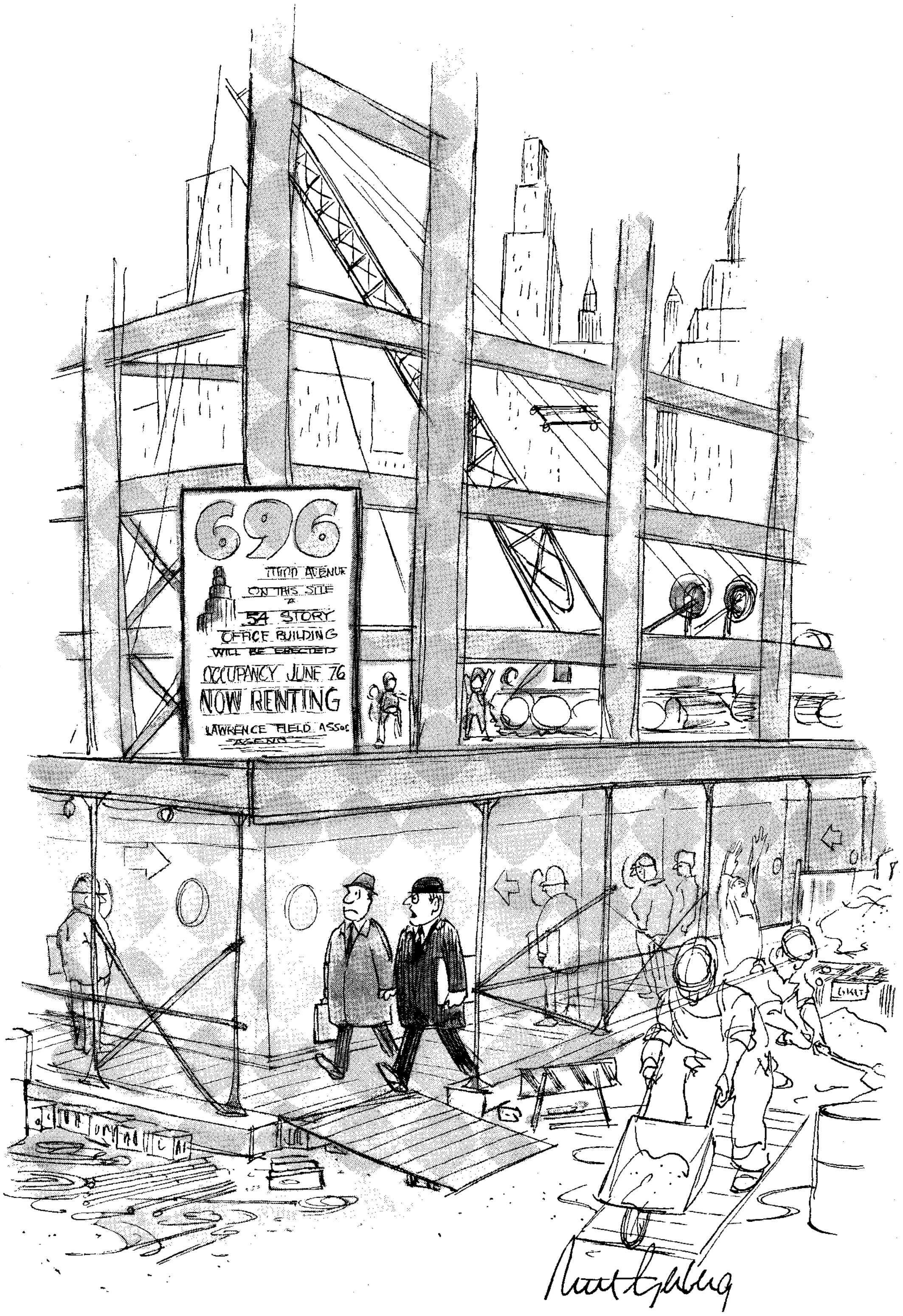
"WHENEVER you shall find a painter, male or female, I pray you to suggest a scene and a subject for the pencil," former President John Adams wrote in 1817, in a letter to a friend who had asked him about the origins of the American Revolution. "The scene is the Council Chamber in the old Town House in Boston. The date is in the month of February, 1761. . . . In this chamber, round a great fire, were seated five Judges, with Lieutenant-Governor Hutchinson at their head, as Chief Justice, all arrayed in their new, fresh, rich robes of scarlet English broadcloth; in their large cambric bands, and immense judicial wigs. In this chamber were seated at a long table all the barristers at law of Boston, and of the neighboring county of Middlesex, in gowns, bands, and tie wigs." One of the lawyers at the table was Adams himself, who was then twenty-five years old and had just been admitted to the bar of the Massachusetts Bay Colony. He made notes of the events that took place in the Council Chamber before the Superior Court of Judicature—events which, he wrote more than half a century later, "began the Revolution in the principles, views, opinions, and feelings of the American people."

Having set the scene, Adams went on to describe the subject that concerned the men gathered in the Council Chamber. To begin with, he wrote, the British had captured Montreal the year before, and thereby eliminated any serious French threat to the British colonies to the south. Once this security was established, the British immediately set out to subject these colonies "to the unlimited authority of Parliament," including the authority to tax the Americans enough to pay the cost of keeping them in subjection while they were exploited by British mercantile interests. Adams went on, "With this view and intention they sent orders and instructions to the collector of the customs in Boston, Mr. Charles Paxton, to apply to the civil authority for writs of assistance, to enable the custom-house officers, tidewaiters, landwaiters, and all, to command all sheriffs and constables, &c., to attend and aid them in breaking open houses, stores, shops, cellars, ships, bales, trunks, chests, casks, packages of all sorts, to search for goods, wares, and merchandises, which had been imported against the prohibitions or without paying the taxes imposed by certain acts of Parliament, called the acts of trade."

Writs of assistance empowered their possessors to break into anyone's property and search it for any smuggled goods, and to compel any Crown officer or subject to help search for and seize such evidence. These writs did not contain the names of suspects or descriptions of what evidence against them was to be looked for; apart from the writs' authorization to the holders to enlist anyone's assistance in carrying out their orders, they were the same as what are called "general warrants," and the two terms came to be used interchangeably. In England, officials began employing writs of assistance and general warrants in earnest during the sixteenth century, and they were widely used in the bloody days of the Court of Star Chamber, when anyone who opposed, or even appeared to think of opposing, the Crown could be arrested, tortured, and convicted of treason, on the basis of forcibly confiscated evidence, for the slightest display of disloyalty to the sovereign. The Star Chamber lineage of such writs and warrants gradually led to widespread public disfavor, and by the middle of the eighteenth century their use in England was restricted to occasional cases of seditious libel—that is, almost any criticism of any part, member, or action of the government.

Most of the Acts of Trade were passed in the seventeenth century, and they contained authority to control colonial trade and colonial taxes, along with bits and pieces of royal prerogative that ministers in London pasted together to justify granting writs of assistance as a means of enforcing the trade statutes. "I never turned over the leaves of these statutes, or any section of them, without pronouncing a hearty curse upon them," Adams wrote, and added,





"Listen, even if they did still build them the way they used to, they still wouldn't build them the way they used to."

• •

"All these rigorous statutes were now to be carried into rigorous execution by the still more rigorous instruments of arbitrary power, '*writs of assistance*.' " One of the most rigorous of the statutes was the Molasses Act, which imposed a heavy tax on the importation of sugar and molasses from non-British ports in an effort to stop the busy and profitable trade between American colonists and merchants in the French and Spanish islands of the West Indies. New England, for example, sent horses, cattle, lumber, casks, and salted cod to the West Indies, and brought back in exchange molasses, which was distilled into rum and then exchanged in America for everything from tobacco to slaves. The Molasses Act, a potentially oppressive instrument, had seldom been enforced and was easily circumvented by American colonists, who simply got false English receipts in Jamaica, a British possession, for molasses that had actually come from French and Spanish islands, and for many years everyone winked at the deception. But in 1760 the Prime Minister, William Pitt the Elder, suddenly ordered the Molasses Act strictly enforced, and the order went out to British customs collectors in the colonies to use all means, including writs of assistance, to find and confiscate contraband molasses.

In October, 1760, George II died, and by a statute of Queen Anne all writs of assistance expired six months after the death of the sovereign. Paxton, who had been using such writs in the ordinary conduct of his office for several years, applied for a new set of writs from the Superior Court of Judicature, which was sitting in Boston. By this time, merchants and lawyers there had become aware of the grim results that enforcement of the Molasses Act would bring to commerce in the colonies. Manufacturers and farmers would have no market for their wares and produce except British markets at British prices; colonial shippers, who could not hope to make a profit under the new taxes, would have to let their vessels rot at the wharves; the five thousand seamen they employed would have to find other work or starve; and no one would benefit but the British. Under English law, enforcement of the Molasses Act and the other Acts of Trade lay with the colonial Court of Admiralty, which was independent of the Bay Colony and subject only to the orders of the king. The judge who headed that court was answerable solely to him, and was to decide any question of tax evasion on information provided by royal officers, with no jury present; he received his income from money gained by the sale of forfeited goods, which he alone could order. And the royal governor, appointed by the king and not responsible to the colony, was to receive a third of all forfeitures of the condemned contraband. Once these facts became known to the merchants of Boston, sixty-three of them demanded a hearing before the Superior Court on the question of new writs. Unfortunately for their cause, Chief Justice Stephen Sewall, who sympathized with them, died shortly before the court convened in Boston in February, 1761. The newly appointed governor, Sir Francis Bernard, who had been shifted to Massachusetts after loyally serving the king as governor of New Jersey, appointed as chief justice his lieutenant governor, Thomas Hutchinson, another devoted servant of the Crown, who was also a member of the local governing council and a probate judge, and who was permitted to keep these posts while serving as chief justice. "Every observing and thinking man knew that this appointment was made for the direct purpose of deciding this question in favor of the crown," Adams wrote. "An alarm was spread far and wide."

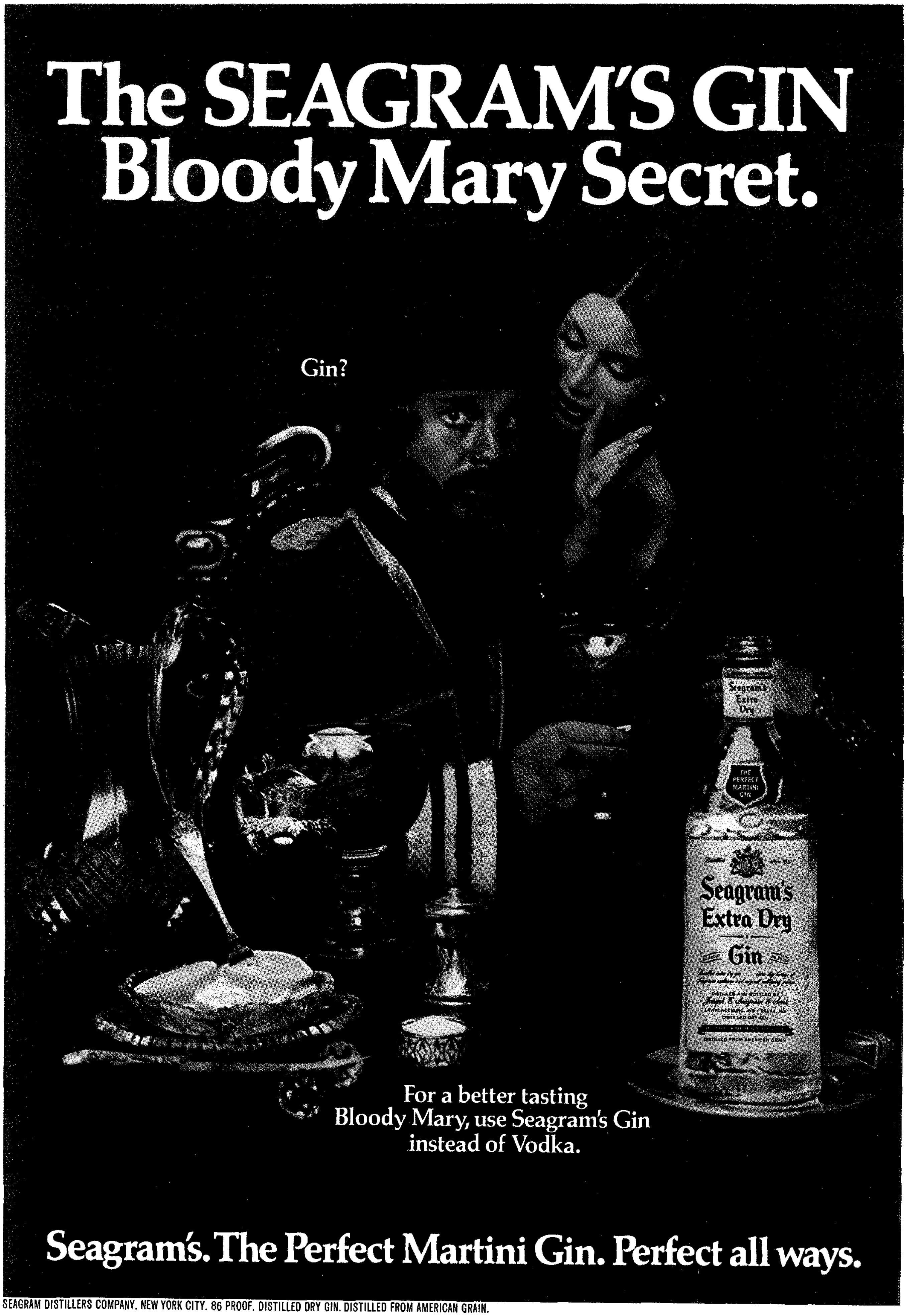
One of the most alarmed subjects in the Bay Colony was James Otis, Jr., who was advocate general of the Admiralty Court there. For one thing, his father, who was Speaker of the Massachusetts House of Representatives, had been promised the first vacancy on the Superior Court by the two governors who preceded Bernard. For another, the younger Otis was deeply influenced by Montesquieu—particularly by his warning against investing executive, legislative, and judicial powers in one man. And, finally, Otis was convinced that Great Britain meant to crush the colonies through taxation. He immediately resigned as advocate general—a position that Adams described as "a sure road to the highest favors of government in America"—and accepted the appeals of the merchants of Salem and Boston "to defend them against the terrible menacing monster, the writ of assistance." They put up a very large legal fee, but Otis declined it, saying, "In such a cause I despise all fees."

"There were no stenographers in those days," Adams noted fifty-seven years later. "Speeches were not printed; and all that was not remembered . . . was lost in air." But Adams had his minutes of the court hearing and his memories, and five and a half decades later they still filled him with wonder as he recalled Otis's attack on the writs of assistance and the Acts of Trade, which, Adams wrote, "imposed taxes, and enormous taxes, burdensome taxes, oppressive, ruinous, intolerable taxes." As Adams listened to Otis's five-hour "declamation, invective, philippic, call it which you will, against the tyranny of taxation without representation," he became increasingly spellbound and increasingly fearful. "A contest appeared to me to be opened, to which I could foresee no end, and which would render my life a burden, and property, industry, and every thing insecure," he wrote in his autobiography. "There was no alternative left but to take the side which appeared to be just, to march intrepidly forward in the right path, to trust in Providence for the protection of truth and right, and to die with a good conscience and a decent grace, if that trial should become indispensable."

According to Adams' reconstruction of the day's events, Otis rose and addressed the court, saying, "May it please your Honors, I was desired by one of the Court to look into the books, and consider the question now before [you] concerning writs of assistance. I have accordingly considered it, and now appear, not only in obedience to your order, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare that . . . I will to my dying day oppose with all the powers and faculties God has given me all such instruments of slavery on the one hand and villainy on the other, as

Whitney Darrow, Jr.

"I like Jeremiah all right, but I could do without the jeremiads."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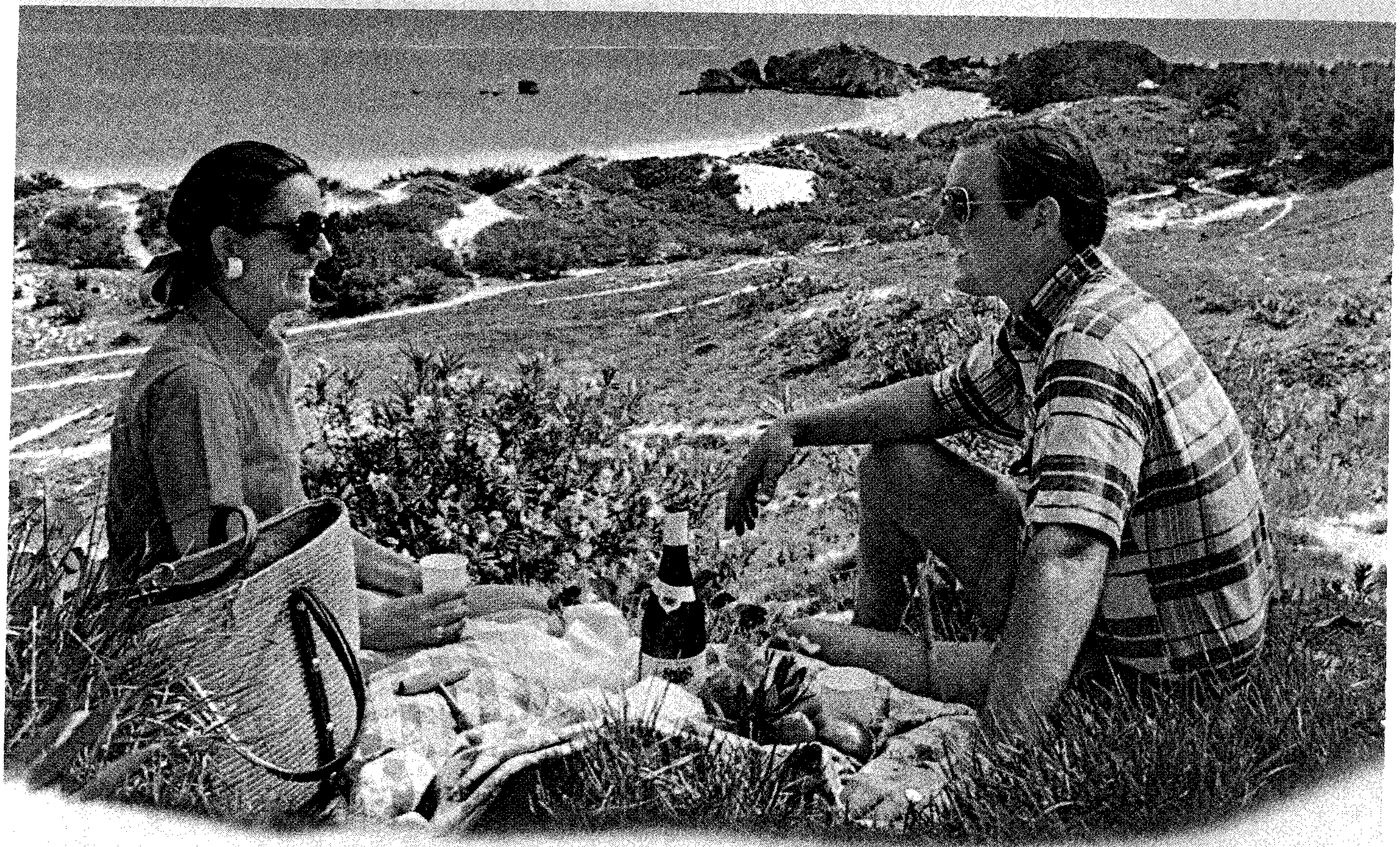

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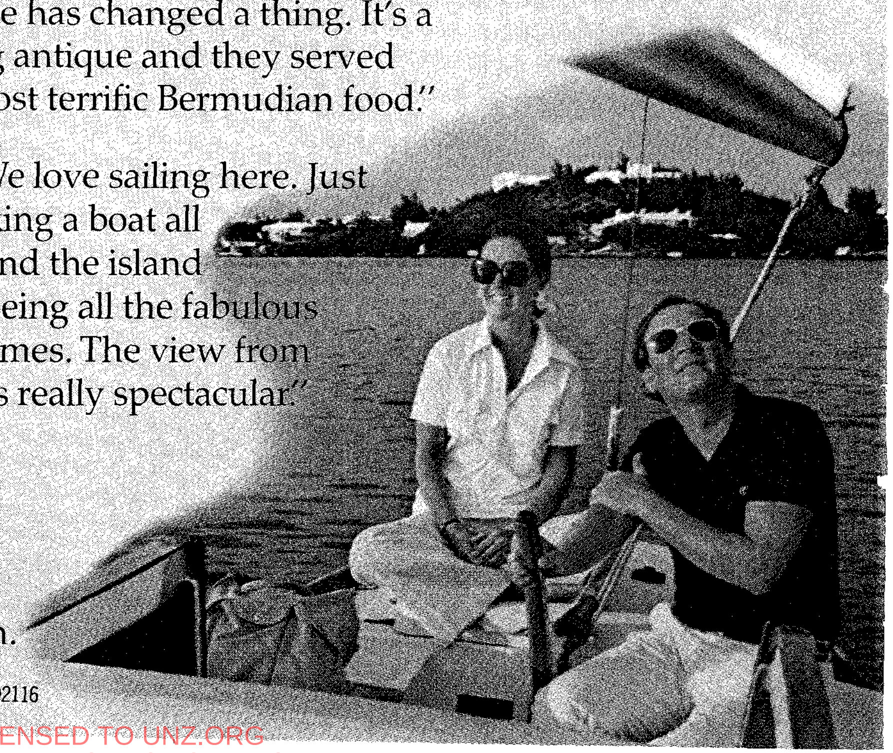

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this writ of assistance is. It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law that ever was found in an English lawbook. . . . In the first place, may it please your Honors, I will admit that writs of one kind may be legal; that is, special writs, directed to special officers, and to search certain houses and so on specially set forth in the writ. . . . Your Honors will find in the old books concerning the office of a Justice of the Peace precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such and such houses specially named, in which the complainant has before sworn that he suspects his goods are concealed. And you will find it adjudged that special warrants only are legal. In the same manner I rely on it that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. . . . In the first place, the writ is universal, being directed 'to all and singular Justices, Sheriffs, Constables, and all other officers and subjects,' so that, in short, it is directed to every subject in the King's dominions. Every one with this writ may be a tyrant; if this commission be legal, a tyrant in a legal manner also may control, imprison, or murder any one within the realm. In the next place, it is perpetual; there is no return. A man [with this writ] is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him. In the third place, a person with this writ, in the daytime, may enter all houses, shops, and so on at will, and command all to assist him. Fourthly, by this writ not only deputies and so on but even their menial servants are allowed to lord it over us. Now, one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle, and whilst he is quiet he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and every thing in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient. This wanton exercise of this power is not a chimerical suggestion of a heated brain. . . . Mr. Pew had one of these writs, and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your Honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, 'Yes.' 'Well, then,' said Mr. Ware, 'I will show you a little of my power. I command you to permit me to search your house for uncustomed goods,' and went on to search his house from the garret to the cellar, and then served the constable in the same manner. But to show another absurdity in this writ: if it should be established, I insist upon it, every person . . . has this power as well as custom-house officers. The words [in the writ] are 'It shall be lawful for any person or persons authorized,' and so forth. What a scene does this open! Every man, prompted by revenge, ill humor, or wantonness, to inspect the inside of his neighbor's house, may get a writ of assistance. Others will ask it from self-defense. One arbitrary exertion will provoke another, until society be involved in tumult and in blood. . . . Thus reason and the [British] constitution are both against this writ. Let us see what authority there is for it. Not more than one instance can be found of it in all our law-books, and that was in the zenith of arbitrary power, namely, in the reign of Charles II, when Star Chamber powers were pushed to extremity by some ignorant clerk of the Exchequer. But had this writ been in any book whatever, it would have been illegal. All precedents are under the control of the principles of law. . . . No acts of Parliament can establish such a writ; though it should be made in the very words of this petition, it would be void. An act against the constitution is void."

Adams apologized for his version of the speech, saying that in comparison with Otis's words his own were as "the gleam of a glow-worm to the meridian blaze of the sun." To convey a better idea of the impression Otis had made on the assemblage in the Council Chamber that day, Adams wrote, "Otis was a flame of fire!—with a promptitude of classical allusions, a depth of research, a rapid summary of historical events and dates, a profusion of legal authorities, a prophetic glance of his eye into futurity, and a torrent of impetuous eloquence, he hurried away every thing before him. . . . Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In fifteen years, namely in 1776, he grew up to manhood, and declared himself free."

A COUPLE of years after Otis, "the great incendiary" of New England, ignited colonial resistance to British rule, two heated disputes over the use of general warrants broke out in England. This time, the issue was freedom of the press. In April, 1763, Lord Halifax, the Secretary of State, moved to suppress an anonymously written and secretly published anti-government periodical called the *North Briton* by reaching back, as his colleagues in charge of colonial affairs had in dealing with America, to the days of the Star Chamber. For this case, Halifax relied on the traditional use of general warrants to prosecute seditious libels against the government. He issued a general warrant whose only stipulations were that anyone involved in the writing, printing, or circulation of the most recent, and most derogatory, copy of the *North Briton*—No. 45—was to be arrested, and his papers were to be seized. Crown officers arrested forty-nine people, chief among them the suspected author of No. 45, a member of Parliament by the name of John Wilkes. "I scarcely ever met a better companion," Edward Gibbon, the historian, wrote of Wilkes. "He has inexhaustible spirits, infinite wit and humor, and a great deal of knowledge. A thorough profligate in principle as in practice, his life [is] stained with every vice and his conversation full of blasphemy and bawdry. These morals he glorifies in, for shame is a weakness he has long surmounted." Apparently, Wilkes had been waiting for an opportunity to challenge the government, for he clearly enjoyed the affair hugely. Calling the general warrant used against him "a ridiculous warrant against the whole English nation," Wilkes refused to accompany the officers until they procured a sedan chair for his comfort. They did, and carried him off to Halifax's house, down the street, where the Secretary of State tried to get him to confess. Wilkes stood fast, and was carted off to the Tower of London, while, on orders of the Crown, his house was broken into and all his personal papers were confiscated. On this occasion, Wilkes was confined in modest quarters in the Tower, but was allowed to have his manservant minister to his needs. (He soon became such a celebrity—in all likelihood, his goal from the start—that when he was again imprisoned, he was given a luxurious suite, and partook of sumptuous foods and wines sent to him by admirers, the company of roistering male friends, and the favors of many women who visited him.) To sustain the publicity he relished, Wilkes had to continue his case—on grounds chosen not by the government but by himself. He immediately sued the officer who had ransacked his house, and charged him with trespassing upon his private property. He argued that the search was illegal, because it was based on a general warrant, which was illegal under the unwritten British constitution. It was a novel argument, for general warrants had been used in seditious-libel cases by Secretaries of State in almost every reign since the overthrow of Charles I, more than a century before, and no one had ever contested their legality. Even so, Wilkes's argument prevailed, and a jury awarded him damages of a thousand pounds, or around twenty-four thousand dollars at present rates. (Six years later, he collected damages of four times that amount in a suit against Lord Halifax for false imprisonment in the *North Briton* case.) After winning the trespass suit, Wilkes was harassed and prosecuted by the Crown on a variety of legal pretexts, and each time he won reëlection to the House of Commons the government's supporters there voted his election void. George III, who regarded Wilkes's expulsion from Parliament as "a measure whereon my Crown almost depends," foolishly persisted in his efforts to get rid of his enemy to such an obvious extent that finally William Pitt the Elder remarked that "the King's ministers . . . had made

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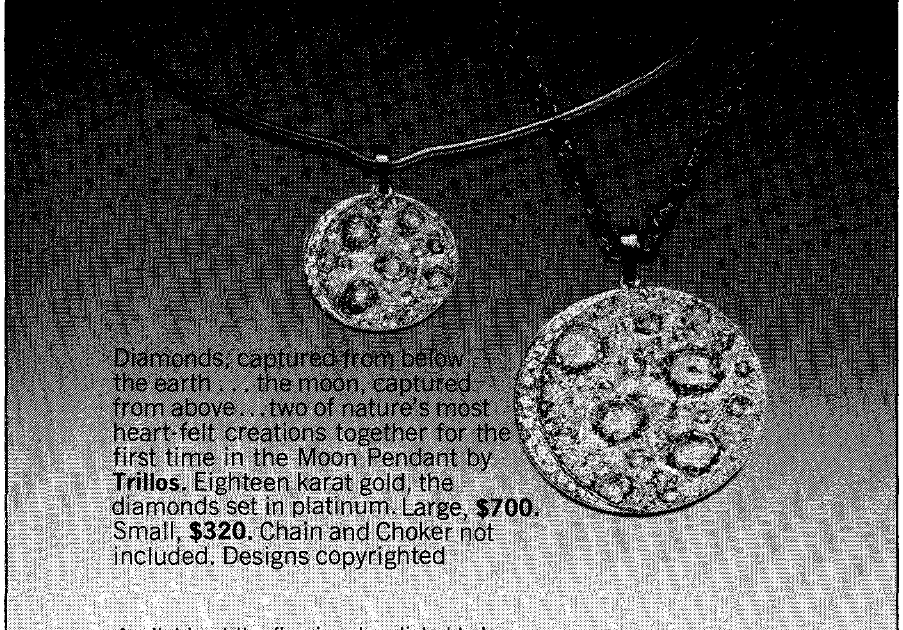

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[Wilkes] a person of the greatest consequence in the Kingdom." Benjamin Franklin was in England during one of Wilkes's campaigns for reëlection, and noted, "I went last week to Winchester and observed that for fifteen miles out of town there was not a door or window shutter next the road unmarked [with No. 45]; and this continued here and there quite to Winchester, which is sixty-four miles." The public cry "Wilkes and Number Forty-five forever!" was heard everywhere—even George III's small children would burst into his sitting room and shout it at him—and when Crown officers later arrested Wilkes for another offense great crowds rescued him and carried him through the streets of London in triumph. Although there is little evidence that many of these ordinary citizens appreciated the issues underlying the case—"the crowd always want to draw themselves from abstract principles to personal attachments," Edmund Burke remarked at the time—the clamorous public support for Wilkes ultimately secured some measure of freedom of the press and largely destroyed general warrants as a political weapon in Britain.

On legal grounds, though, a similar English case during the same period was to have more fundamental and lasting effects on the subject of general warrants. Six months before Wilkes's first arrest, Lord Halifax issued a warrant for the arrest of John Entick, described in contemporary records as a "clerk," who was thought to be involved in publishing an anti-government periodical called the *Monitor, or British Freeholder.* This time, the warrant was more specific, because it at least named Entick, but it was also general, because it ordered the seizure of his books, papers, and documents. Crown officers spent four hours ransacking Entick's house, and then took him and every scrap of paper they could find off to Halifax's office. But when Halifax and his men examined the confiscated papers, they found no evidence against Entick, and he was released. He did nothing about his mistreatment by the government at the time, but after Wilkes won his suit Entick sued the officers who had searched his place, also on a charge of trespass, and won damages of three hundred pounds. Apparently fearing the consequences of another legal victory by its opponents, the government filed an "exception" to the verdict, a form of appeal, and the case—Entick v. Carrington—came before the Court of Common Pleas in

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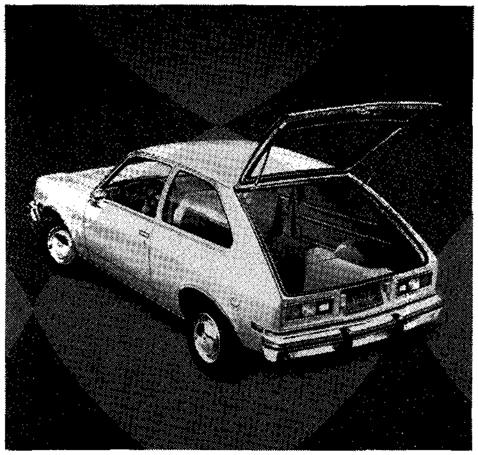

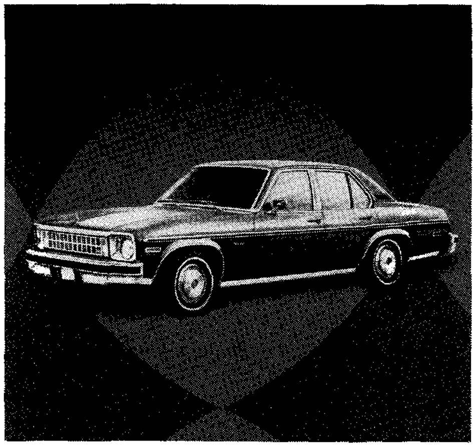

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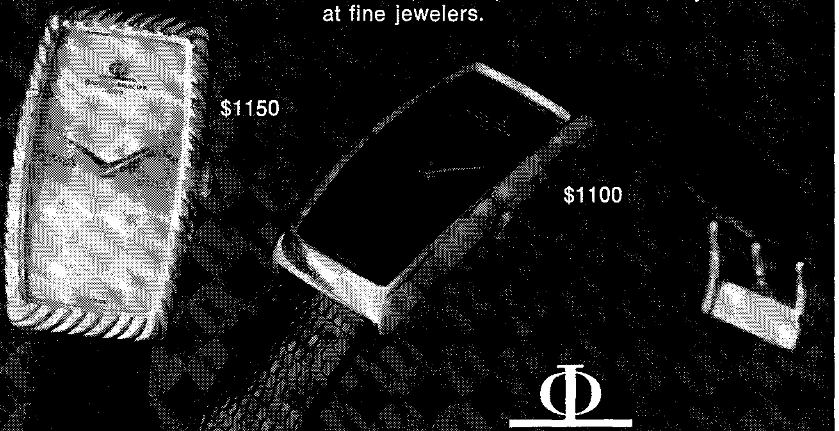

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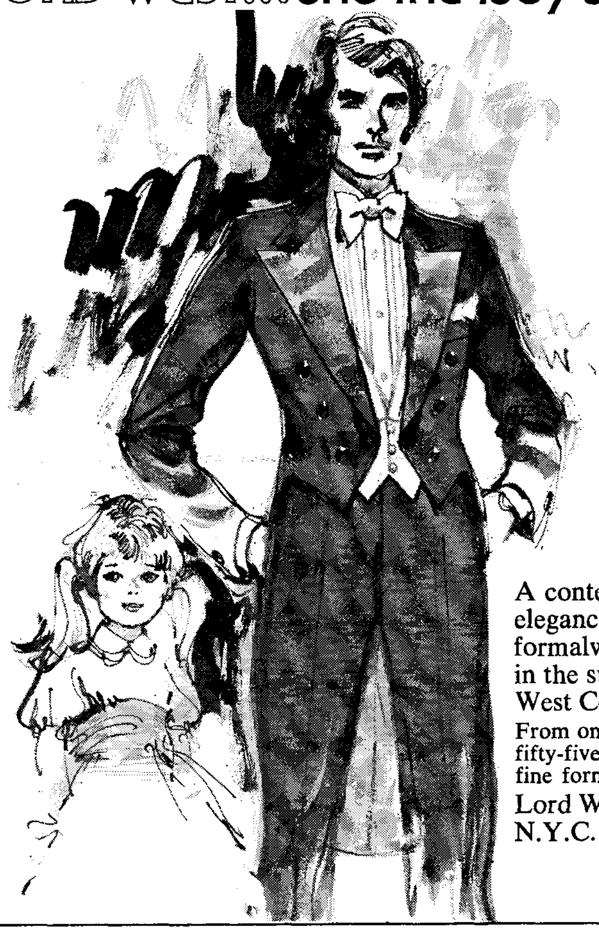

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the autumn of 1765 for final disposition. The court was presided over by Lord Chief Justice Pratt, later the first Earl of Camden and Lord Chancellor of England, who was widely known as "the incorruptible judge," a description that indicated the extent of corruption in England then. Camden, as he is known to history, had been Attorney General during the contention over writs of assistance in America, and although he took no public position on that matter, he was said to have privately advised against the use of such writs, on the ground that they were probably illegal. As Lord Chief Justice, he had also presided over the Entick and Wilkes trials, and had ruled on both occasions that general warrants were indeed unlawful.

In Entick v. Carrington, counsel for the Crown defended general warrants with several arguments: that they had been used by Secretaries of State ever since Cromwell's time; that they resembled ordinary warrants issued to recover stolen goods; that no one subjected to them had complained before; that no court had ever judged them illegal; and that they were essential if public clamors were to be quieted and the state protected. Entick had retained Wilkes's lawyer, a barrister named Glynn, and in answering the claim that such warrants had long been used Glynn told the court, "If they have, it is high time to put an end to them, for if they are held to be legal, the liberty of this country is at an end." He went on, "It is the publishing of a libel which is the crime, and not the having it locked up in a private drawer in a man's study. But if having it in one's custody was the crime, no power can lawfully break into a man's house and study to search for evidence against him. This would be worse than the Spanish Inquisition, for ransacking a man's secret drawers and boxes, to come at evidence against him, is like racking his body to come at his secret thoughts. The warrant is to seize all the plaintiff's books and papers without exception, and carry them before Lord Halifax. What? Has a secretary of state a right to see all a man's private letters of correspondence, family concerns, trade and business? This would be monstrous indeed! And if it were lawful, no man could endure to live in this country." Moving on to the Crown's contention that a general warrant used to uncover seditious libel was little different from a search warrant for stolen goods, Glynn said of the latter, "It is never granted but upon the strongest evidence that a felony has

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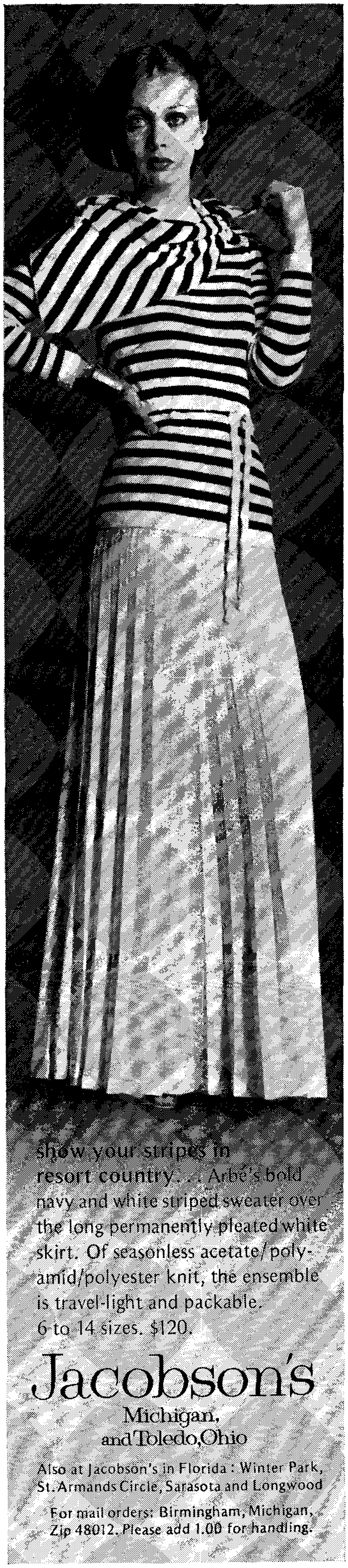

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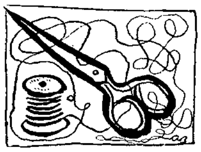
been committed, and that the goods are secreted in such a house. And it is to seize such goods as were stolen, not all the goods in the house. But if stolen goods are not found there, all who entered with the warrant are trespassers. However frequently these warrants have been granted since the Revolution, that will not make them lawful, for if they were unreasonable or unlawful when first granted, no usage or continuance can make them good." Moreover, he added, the custom relied on by the government was comparatively brief. "They go no farther back than eighty years," he said, "and most amazing it is they have never before this time been opposed." Then, in conclusion, he urged the court "to demolish this monster of oppression, and to tear into rags this remnant of Star Chamber tyranny."



In a unanimous decision, the judges of the Court of Common Pleas found in Entick's favor. Lord Camden delivered the opinion, in which he agreed with every point Glynn had made, and went on to say that when such warrants were employed against a man "his house is rifled, his most valuable secrets are taken out of his possession before the power for which he is charged is found to be criminal by any competent jurisdiction and before he is convicted either of writing, publishing, or being concerned in the paper." Such power, Camden declared, "is not supported by one single citation from any law book extant," and no judge on the Court of King's Bench, the principal court of criminal jurisdiction, had ever assumed such power, apart from Lord Chief Justice Scroggs. (Known to later generations as "the worst chief justice in British history," Scroggs revived this Star Chamber practice, among others, during a murderous official purge of Catholics in the latter part of the seventeenth century.) To the claim that no one had opposed the use of general warrants before, Camden replied, "I answer, there has been a submission of guilt and poverty to power and the terror of punishment. But it would be strange doctrine to assert that all the people of this land are bound to acknowledge that to be universal law, which a few criminal booksellers have been afraid to dispute." Getting down to the specific use of such a warrant, he continued, "It is executed against the party, before he is heard or even summoned; and the information, as well as the informer, is unknown. It is executed by messengers with or without a constable . . . in the presence or the absence of the party [served] as the messengers shall think fit, and without a witness to testify what passes at the time of the transaction, so that when the papers are gone, as the only witnesses are the trespassers, the party injured is left without proof. If this injury falls upon an innocent person, he is as destitute of remedy as the guilty. . . .

"The great end for which men entered into society was to secure their property," Camden wrote. "That right is preserved sacred and incommunicable in all instances, where it has not been taken away or abridged by some public law for the good of the whole. . . . Papers are the owner's goods and chattels: they are his dearest property, and are so far from enduring a seizure that they will hardly bear an inspection. And though the eye cannot by the laws of England be guilty of a trespass, yet where private papers are removed and carried away, the secret nature of those goods will be an aggravation of the trespass, and demand more considerable damages in that respect. Where is the written law that gives any magistrate such a power? I can safely answer, there is none. And, therefore, it is too much for us, without such authority, to pronounce a practice legal which would be subversive of all the comforts of society." In conclusion, Lord Camden declared the warrant used against Entick "illegal and void."

A few months later, the House of Commons decreed that the seizure of papers in any case of seditious libel was unlawful, and then it passed a resolution stating that general warrants were universally illegal, except in cases specifically designated by act of Parliament. In America, the Wilkes and Entick cases, Camden's opinion, and Parliament's decrees were as closely followed as transmission of news across the Atlantic permitted. The results of these events in England were widely discussed and applauded in the colonies, and, a quarter of a century later, they became the foundation for one of the pillars of American liberty.

THE Fourth Amendment to the United States Constitution declares, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing

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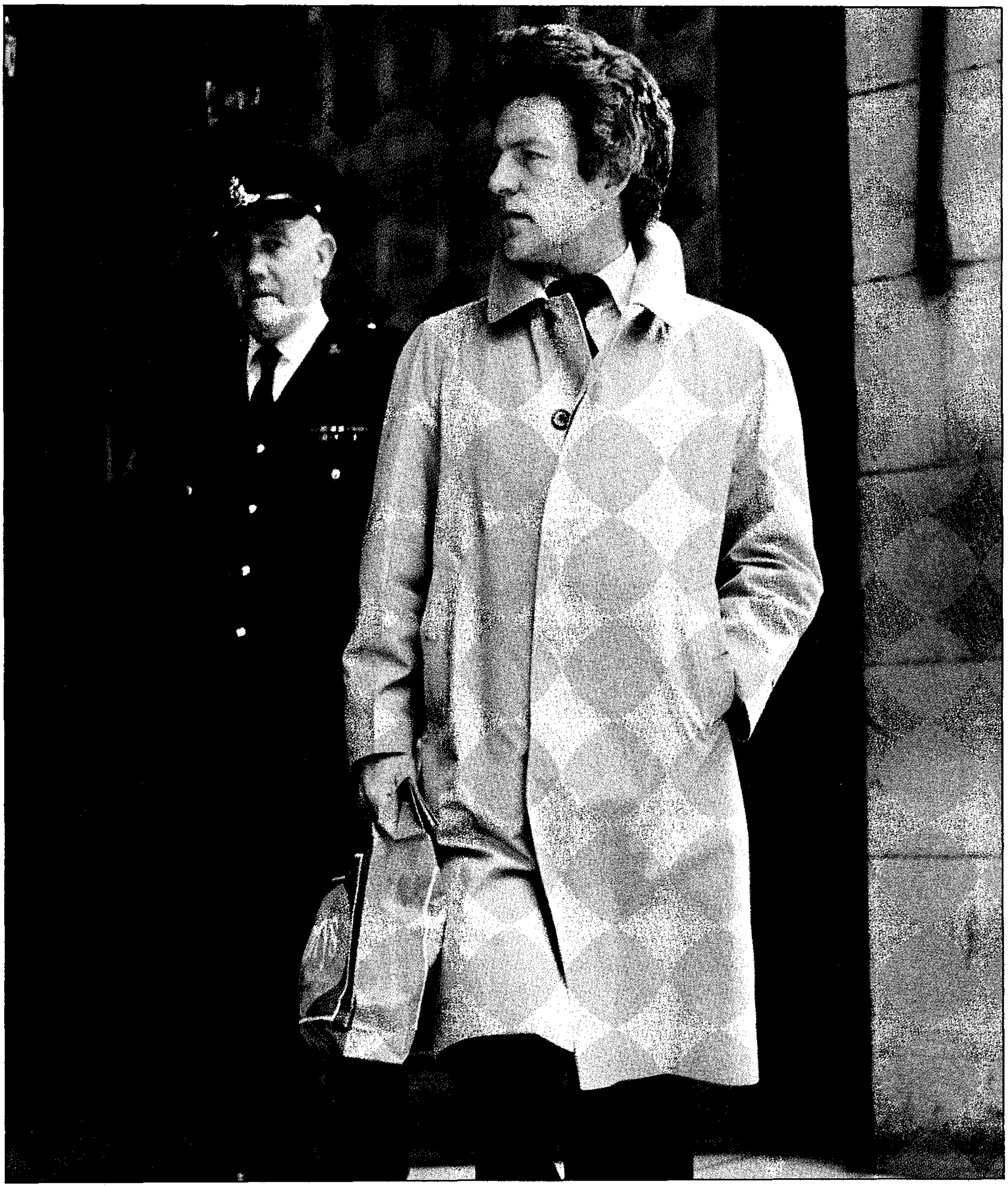

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the place to be searched, and the persons or things to be seized." The amendment was adopted in 1791, along with the rest of the Bill of Rights, and three-quarters of a century later Judge Thomas Cooley observed in his work "Constitutional Limitations," which was the most influential legal treatise of the time, that the citizen's "immunity in his home against the prying eyes of the government" and protection against "arbitrary control of the person" are the two basic foundations of personal liberty. Today, most Americans—or, at least, most middle-class white Americans—probably assume that this right against arbitrary intrusion by government upon their persons and property is secure. That assumption is baseless. Over the years since the Fourth Amendment was adopted, it has been flouted millions of times. Every day, thousands of local, state, and federal officers illegally search people and illegally break into and ransack their homes and places of business, and there is almost nothing the victims can do about it. The reason for both the official lawlessness and the public's helplessness before it may be found in the peculiar nature of the law being violated. "The Bill of Rights in general and the Fourth Amendment in particular are profoundly anti-government documents," Anthony Amsterdam, the nation's leading constitutional scholar, observed recently. To a large extent, it is probably this characteristic that has led to their being so widely unenforced. While anti-government sentiment was a necessary cause and an inevitable result of the Revolution, once that sentiment was embodied in written sanctions against *all* government, as it was in the Bill of Rights, the new government was expected to interpret, implement, and enforce these sanctions against itself. That was too much to expect, even from a restricted system like ours—with its separation of powers and its various other checks and balances—because all governments in all places at all times try to increase their power, at the expense of the individual. In short, government is *always* the enemy of the individual.

The greatest and most dangerous power against the individual possessed by every state is its police power, and the use of that power determines whether the state tends toward freedom or slavery. According to Professor Amsterdam, there are "few issues more important to a society than the amount of power that it permits its police to use without effective control

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by law." Although the United States has restricted police power more than many nations, most of this control lies in rather general formulations contained in federal or state constitutions. Legislatures have been exceedingly reluctant to initiate any regulations over police procedures or conduct, and the only specific restrictions on such matters have come from the courts or from legislatures' passing weak laws to head off stronger court restrictions, or passing strong laws to repeal court rulings. "Handcuffing" the police in any manner, even with the shackles of the Constitution, is so politically risky that the courts have had to take over what should be a legislative responsibility in order to impose *some* control over the police. In general, though, the only limits upon them are those they impose on themselves—more often than not as a way of assuring the people that they are living under a government that is strictly controlled by the rule of law. A 1967 report of the President's Commission on Law Enforcement and Administration of Justice pointed out that every day policemen make hundreds of thousands of decisions that "can affect in some way someone's dignity, or self-respect, or sense of privacy, or constitutional rights," and that this is done virtually without controls of any sort. Kenneth Culp Davis, an authority on police practices, has observed, "The system is atrociously unsound [when] an individual policeman has unguided discretionary power to weigh social values in an individual case and make a final decision as to governmental policy for that case, despite a statute to the contrary, without review by any other authority, without recording the facts he finds, without stating reasons, and without relating one case to another." Professor Yale Kamisar, of the University of Michigan Law School and a leading authority on the Fourth Amendment, said recently, "The idea that the police have been 'handcuffed' by the courts is laughable, because in many fundamental areas no one has touched them. The real problem is there's so much criminal business that the police have to decide which suspects to arrest—for most citizens, the most fundamental area of all. So we end up with selective arrest—a matter that is entirely decided by the police. This amounts to total discretion, which often winds up being used against blacks, radicals, 'troublemakers,' and anyone who doesn't show the proper respect. Nothing at all has been done about this by the courts, and there is no review of such decisions by the

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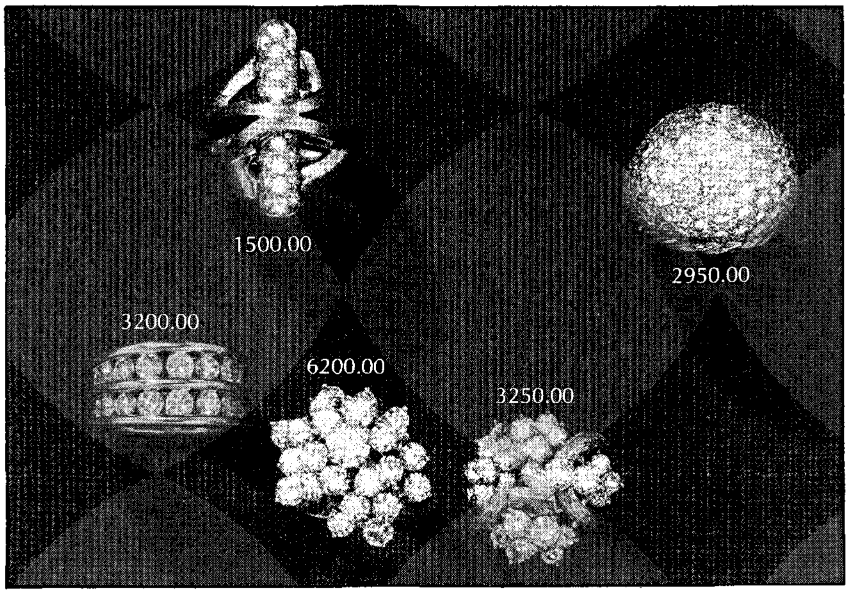

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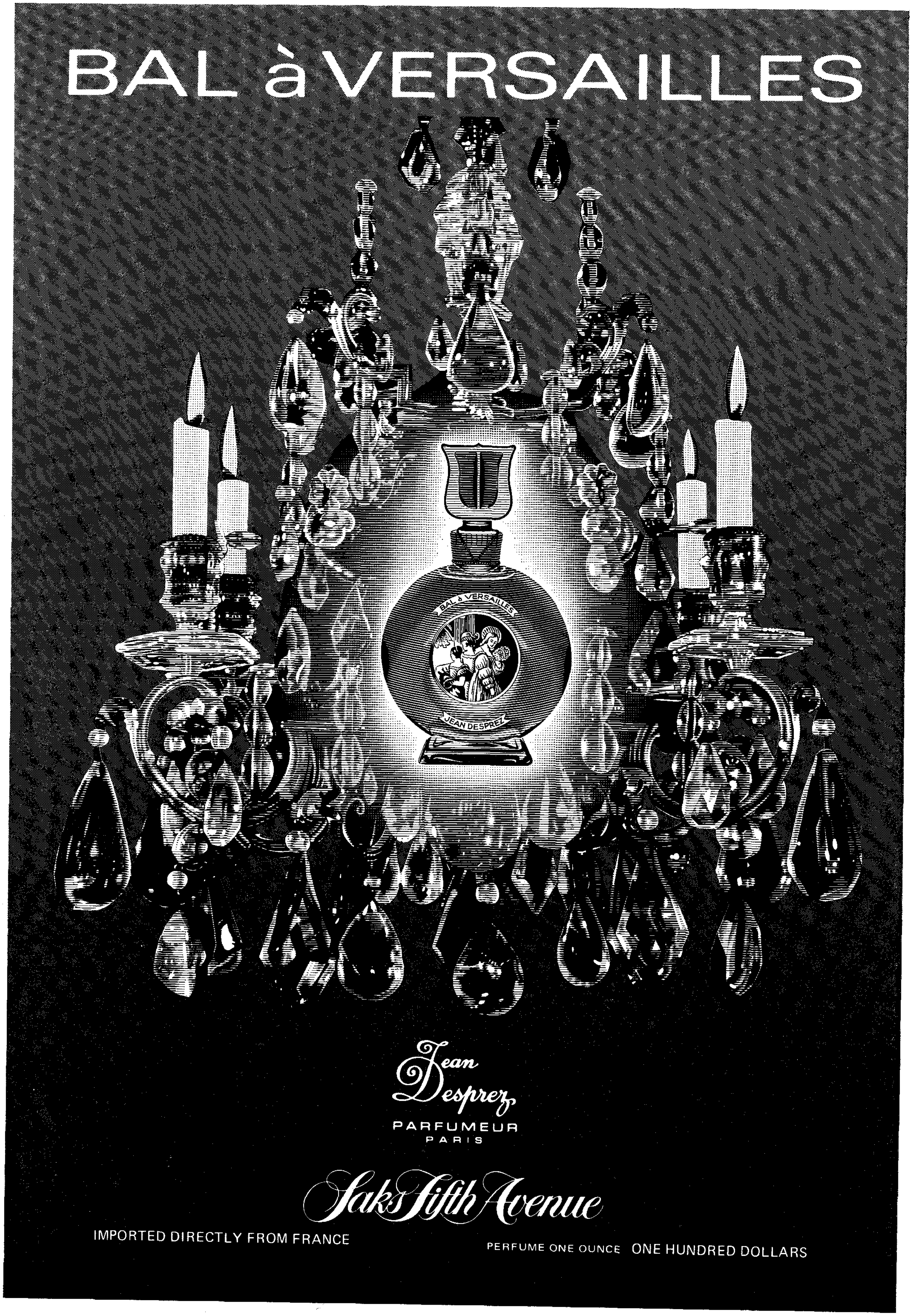

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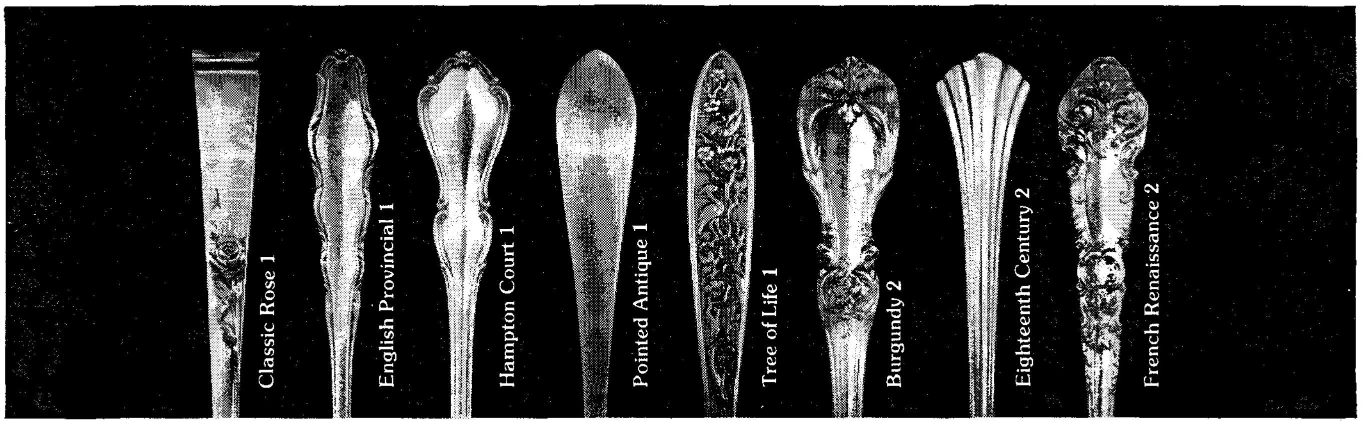
police anywhere. The reason for the neglect, I think, is that the media have convinced the public that there are too many curbs on the police, when actually there are almost none. Every time the Supreme Court tries to do something about controlling police abuses, local newspapers and TV stations send their crime reporters out to get the reaction of the police. These reporters are completely on the cops' side, because *that's their beat and because they* keep seeing brutal criminals being let off on 'technicalities.' The technicalities, as it happens, are part of the Constitution. Anyway, these reporters almost never go to talk to civil libertarians or law professors to get the other side, so in the end the public is terribly prejudiced in favor of the police, and is ready to let them do whatever they please."

Of course, judicial review may be available—if one has the money, the willingness to take on an entire police department, several years to spend in court contests (should the case be considered proper for review), and unflagging determination to assert one's rights. But in general the police have greater freedom to conduct themselves as they please than any other government officials. If the public were to demand that law-enforcement officers be given greater freedom than they already have—as seems to be the public mood these days—there would be little, aside from self-restraint on the part of the police, to stop the Republic from gradually being transformed into a police state. Since the executive branch is by its nature rather inclined toward authoritarian control over disturbing elements in society and also contains such influential and control-minded groups as the Federal Bureau of Investigation, the Central Intelligence Agency, and the military, it is unlikely that any move toward greater control over the police will come from that direction. Nor is an effort toward this end apt to come from the legislative branch, for, as Amsterdam has observed, "even if our growing crime rate and its attendant mounting hysteria should level off, there will remain more than enough crime and fear of it in American society to keep our legislators from the politically suicidal undertaking of police control."

The only official check upon the police that exists, then, is to be found in the courts' imposition of rules upon them. This function was served, with astonishing devotion to the purpose of the Bill of Rights, by the Warren Court for fifteen years. In general, though, the Supreme Court has come



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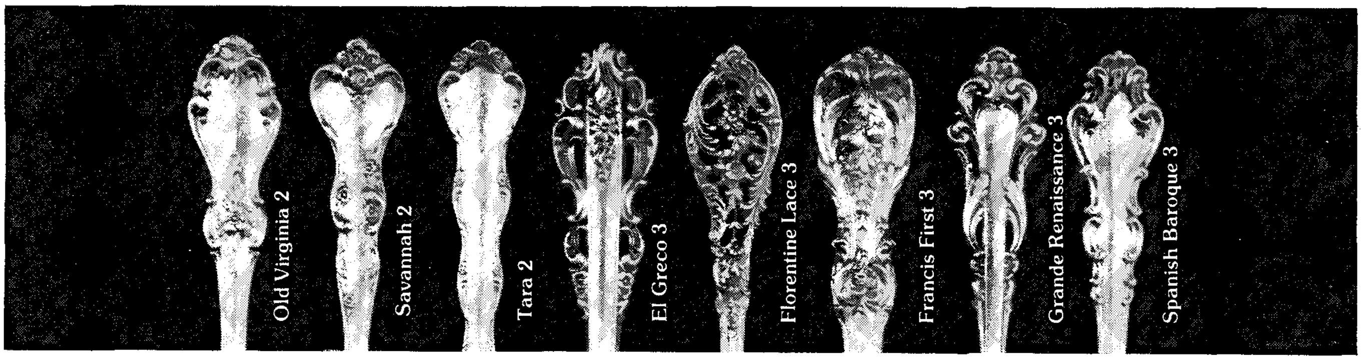

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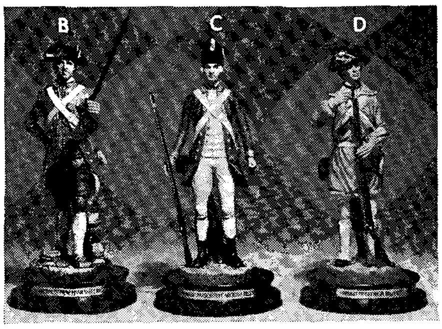

A. Maj., 3rd New Jersey Reg., 1776
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down on the side of government in its contests with individual citizens over their inalienable rights, and has often weakened and even perverted the clearest commands of the Constitution. This process has been demonstrated again and again in cases involving the Fourth Amendment, which has been described as "one of the most litigated provisions of the Bill of Rights." The Court has dealt with this litigation so inconsistently and so confusingly that no one can say today with any certainty what the amendment means. According to Amsterdam, the Court's approach in such cases has been "splendid in its flexibility, awful in its unintelligibility, unadministrability, unenforceability, and general *ooziness*." And, according to Jacob W. Landynski, a specialist in the field, "Few decisions of the United States Supreme Court have generated as much powerful controversy over the past few decades as those dealing with issues raised under the Fourth Amendment. . . . The issues bring into sharp focus the classic dilemma of order vs. liberty in the democratic state. The Court has come under heavy fire from opposing directions. According to some critics, it has often proved heedless of the community interest in eradicating crime and has gone too far in the direction of protecting individual liberty. In the view of others, the Court has some*times* been *too* accommodating to the claims of law enforcement and insufficiently vigilant in safeguarding the principles on which the Fourth Amendment is based."

Both sides have missed the point, for even the most liberal decisions of the Court on the Fourth Amendment have been essentially conservative. While the Court has sometimes ruled that a given search and seizure of given material from a given person under given circumstances was unreasonable and thus unconstitutional, it was a hundred and seventy years after the amendment was adopted before the Court finally made it somewhat more difficult for prosecutors in general to use illegally seized evidence against suspects—an essential restriction if the Fourth Amendment is to mean anything at all. But even that modest protection of the people's right to be secure against government intrusion and persecution appears likely to be modified or abolished altogether by the Court's current majority before long. Above all, though, the Supreme Court, past and present, has done *almost nothing to prevent those* transgressions from being committed

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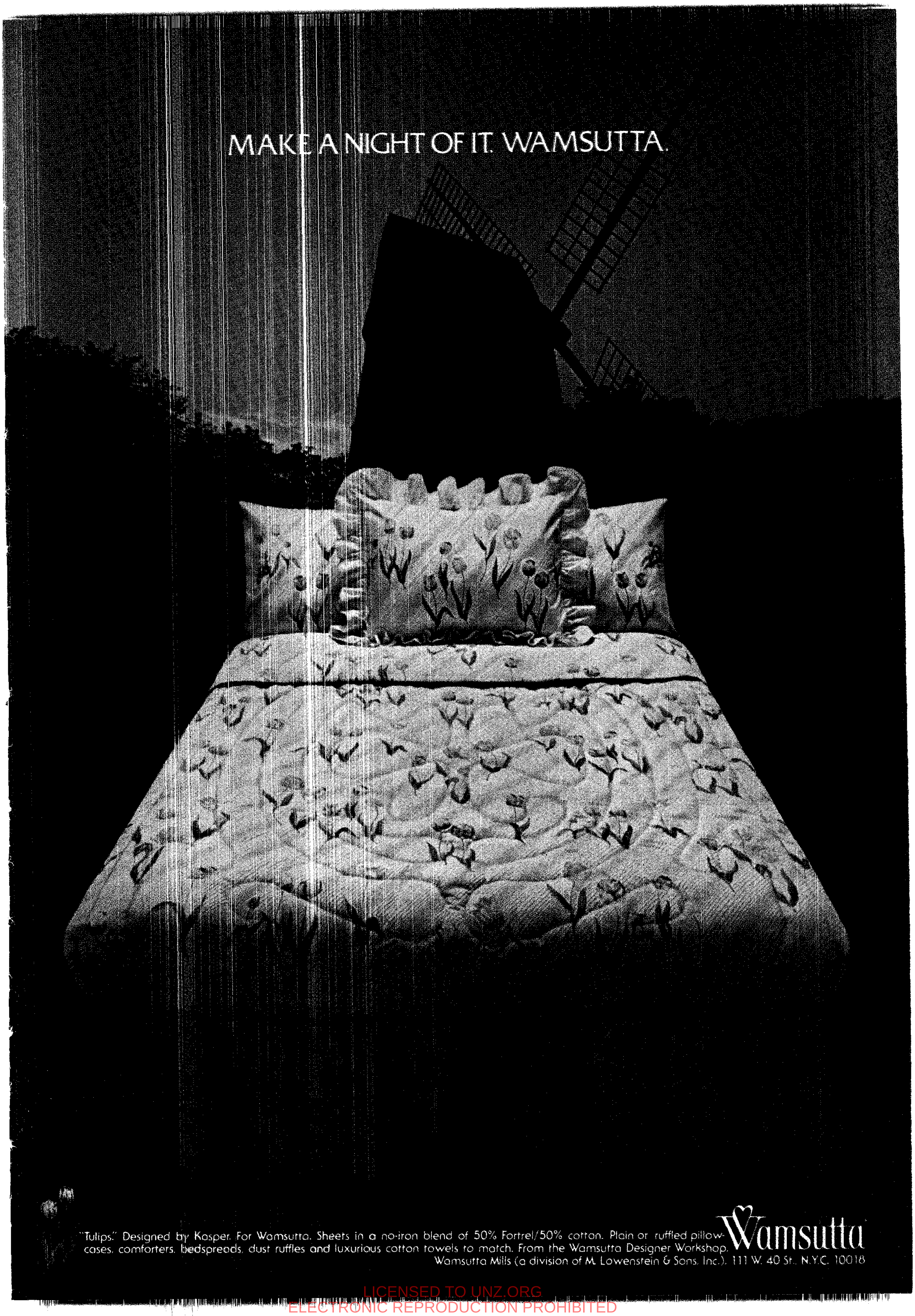
in the first place or to punish the police who commit them. If Amsterdam is correct in saying that "the regulation of police behavior is what the Fourth Amendment is all about," then the Court has never even faced the basic issue. Since one Supreme Court decision, however sweeping, never stops official abuses of citizens' rights—indeed, it usually takes repeated decisions over a long period of time to persuade lower courts and law-enforcement officials that such abuses *are* abuses—the Court's failure to address the issue of misbehavior on the part of the police makes any judicial remedy far more difficult and unlikely. By avoiding the problem, the Supreme Court has made it worse—perhaps even insoluble.

THE first significant Fourth Amendment case to come before the Supreme Court was Boyd v. United States, which was decided in 1886. Under a federal law enacted in 1874, domestic importers of foreign merchandise who were accused of evading customs duties could be compelled to produce, upon order of the government, any "business book, invoice, or paper;" refusal to obey such an order was tantamount to a confession that the government's accusations were true, and could result in forfeiture of the goods involved. In the Boyd affair, a New York City case, the government confiscated thirty-five crates of imported plate glass for nonpayment of duties, and when the owners sued for return of the glass the government demanded their invoice from a previous shipment of the same kind of glass to demonstrate its value. The owners handed over the invoice under protest, contending that the order was unconstitutional, because it forced them to testify against themselves and thereby violated the Fifth Amendment's guarantee: "No person . . . shall be compelled in any criminal case to be a witness against himself." Since the law authorizing the government to issue such an order and to impose forfeiture was a civil rather than a criminal statute, the case seemed unrelated to the Fifth Amendment. And since the order to produce a specific invoice bore no obvious resemblance to the kinds of physical and general searches that the Framers feared, the case seemed unrelated to the Fourth Amendment. But the Supreme Court ruled that the order was a search, that the penalty of forfeiture made the offense "criminal," and that the government's seizure of private papers to be used as evidence against a person amounted to compulsory self-incrimination under the Fifth Amendment and made the seizure itself unreasonable under the Fourth Amendment. The Court reversed a lower court's ruling in favor of the government, saying, "We think that the notice to produce the invoice in this case, the order by virtue of which it was issued, and the law which authorized the order were unconstitutional and void, and that the inspection by the district attorney of said invoice, when produced in obedience to said notice, and its admission in evidence by the court were erroneous and unconstitutional." Justice Joseph P. Bradley, who delivered the Court's opinion, declared that the law at issue was worse than the "obnoxious" writs of assistance denounced by Otis. In a famous piece of Court dictum, Bradley explained, "It may be that [the statute] is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance."

The Boyd opinion has been praised as "a landmark of constitutional interpretation" and "the boldest pronouncement on the subject ever to come from our highest tribunal." According to Landynski, "Seldom has a Supreme Court decision been so variously esteemed by responsible commentators. The Supreme Court itself, in later years, even when departing from the letter, and occasionally the spirit, of the Boyd case, never failed to refer to it reverently." The esteem and reverence are astounding, for the Boyd opinion is nearly all sound and very little substance. While its premise (that arbitrary government invasions of personal privacy violate individual rights) and its conclusion (that the product of those invasions cannot be used against the victims) seem unassailable, the path between premise and conclusion was littered with misread precedent, mistaken facts, and misunderstood constitutional doctrine. While most of the points that were wrong are minuscule, the law is a sum of tiny



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APRIL 1975
Popular Mechanics

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JUNE 1975
Popular Science

A totally new kind of small car, Volkswagen's Rabbit, may make things difficult for U.S. small-car makers in the coming months.

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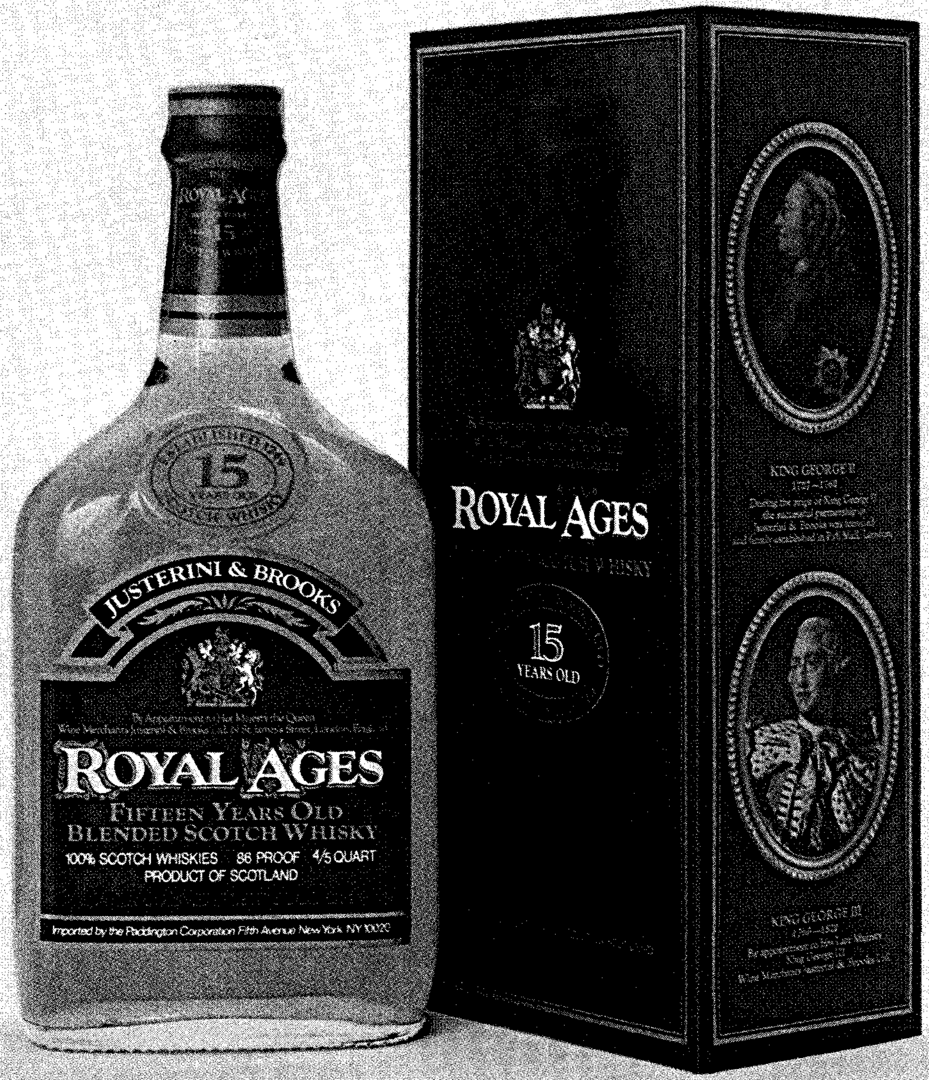
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parts. And it is often such seemingly minuscule matters that determine how later courts decide crucial constitutional issues. The precedent was Lord Camden's opinion in Entick v. Carrington, which, Justice Bradley said, "every American statesman, during our revolutionary and formative period as a nation, was undoubtedly familiar with . . . as the true and ultimate expression of constitutional law." Bradley depended heavily on Camden's claim that search warrants for private papers originated in Star Chamber proceedings and had never been approved by judges outside that tribunal, and on Camden's assertion that the seizure of such papers and their use to convict someone amounted to compulsory self-incrimination. In Entick, however, the papers involved were political in nature and were seized by way of a general warrant, whereas in Boyd a specific business invoice was sought by way of a specific statute approved by Congress, which has the authority, under the Constitution, to regulate commerce. Camden had set out to demonstrate the illegality of general warrants in order to prove that the seizure of Entick's papers amounted to a trespass. That was Entick's claim, and that was Camden's finding. In his opinion, Camden raised the issue of the papers' self-incriminatory nature more or less by analogy, not as a key element in what made a search and seizure illegal. Now Bradley sought to prove through Entick that it was the sanctity of the papers itself that made their seizure unreasonable and thus unconstitutional. But private papers are given no special status in the Bill of Rights or in the body of the Constitution. Since there was no precedent for his conclusion apart from Entick, which was not applicable, Bradley reached out to the Fifth Amendment as a means of interpreting the Fourth Amendment. "They throw great light on each other," he said. "For the 'unreasonable searches and seizures' condemned in the Fourth Amendment are almost always made for the purpose of compelling a man to give evidence against himself, which in criminal cases is condemned in the Fifth Amendment; and compelling a man 'in a criminal case to be a witness against himself,' which is condemned in the Fifth Amendment, throws light on the question as to what is an 'unreasonable search and seizure' within the meaning of the Fourth Amendment." It was a novel, confusing, and unnecessary argument, and it has since been rejected by the Supreme Court. Bradley could have more simply and

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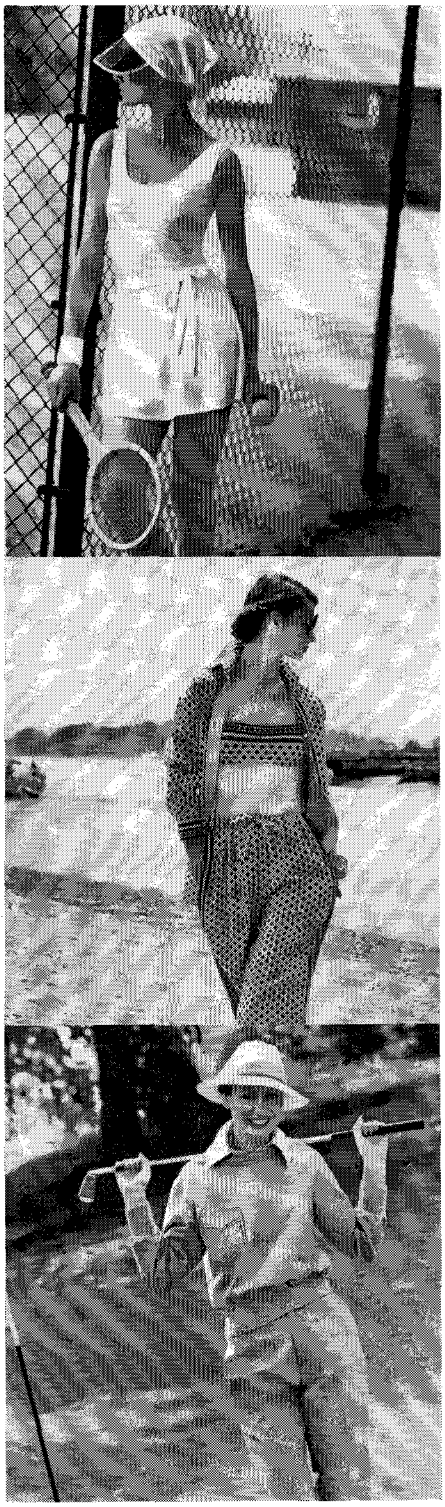

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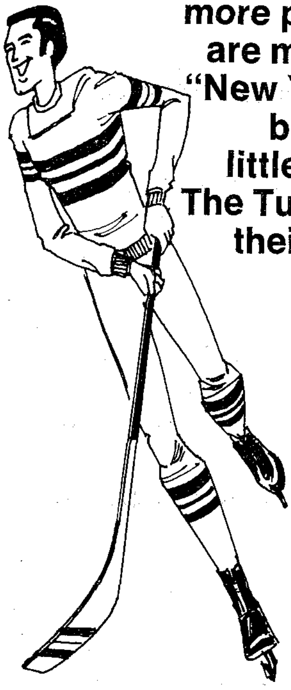
properly reached his final decision—as two other justices on the Court at the time reached it—by finding that the compulsory production of the invoice in Boyd constituted a fundamental violation of the Fifth Amendment's guarantee against involuntary self-incrimination, and letting it go at that. By carelessly distorting history and twisting logic, Bradley forced a case that essentially didn't concern the Fourth Amendment into the scope of the amendment's sanctions, and thereby introduced the confusion that has distorted constitutional interpretation of this issue ever since.

Although Supreme Court opinions often display admirable rhetoric and deplorable logic, neither has anything to do with the real function of the Court: to make decisions on matters of fundamental law. If the decision in Boyd were to be disregarded because of its faulty reasoning, many of the Court's other decisions would also have to be ignored, because the opinions that usually accompany them are often marred by the same flaw. While it is true that the law is what the Supreme Court says it is, it is also true that the Court's conclusions have always been drawn out of the combined brilliance, prejudices, blindness, sloppy thinking, imprecise writing, and ideals of individual justices—in short, that we live under a government of men, not laws. Still, when the Court speaks it states the meaning of the law for the rest of us. And in Boyd the Court stated that the Fourth Amendment meant that the compulsory production of the invoice "and its admission in evidence by the court were erroneous and unconstitutional proceedings." In other words, the use of unconstitutionally acquired evidence is itself unconstitutional. This statement lay at the heart of the long legal fight over what the Fourth Amendment means, and it has been ignored or misread by Court after Court.

In Weeks v. United States, decided twenty-eight years later, in 1914, a United States marshal, accompanied by local police in Kansas City, Missouri, broke into the home of a man who was suspected of trafficking in lottery tickets and searched the place without a warrant. According to Weeks's complaint against this intrusion, they seized "all of his books, letters, money, papers, notes, evidences of indebtedness, stock certificates, insurance policies, deeds, abstracts, and other muniments of title, bonds, candies, clothes, and other property." He sued to get back his possessions, and a federal district court or-



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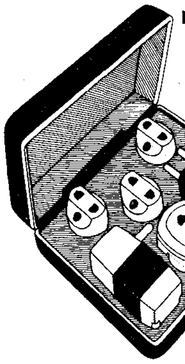

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dered that whatever was irrelevant to the case be returned, but allowed the federal prosecutor to retain any pertinent evidence. When this was introduced at the trial, Weeks repeatedly objected, his objections were repeatedly overruled, and he was convicted and sentenced to prison. In his appeal to the Supreme Court, he claimed that his rights under the Fourth and Fifth Amendments, as interpreted in Boyd, had been violated. The Court upheld his claim on the ground of the Fourth Amendment alone, and reversed the conviction. "If letters and private documents can thus be seized and held and used in evidence against a citizen accused of an offense, the protection of the Fourth Amendment declaring his right to be secure against such searches and seizures is of no value, and, so far as those thus placed are concerned, might as well be stricken from the Constitution," Justice William Rufus Day said for a unanimous Court. "The efforts of the courts and their officials to bring the guilty to punishment, praiseworthy as they are, are not to be aided by the sacrifice of those great principles established by years of endeavor and suffering which have resulted in their embodiment in the fundamental law of the land."

Once again the Court's reasoning in reaching its conclusion was unclear. While Day seemed to be saying that both the unreasonable seizure and the use of evidence discovered by means of it in a prosecution violated "those great principles" embodied in "the fundamental law of the land" and were unconstitutional, he did not say this directly. Instead, he said that the warrantless seizure of papers in the case at bar was "in direct violation of the constitutional rights of the defendant;" that the lower court's refusal to return the papers was "a denial of the constitutional rights of the accused;" and that by admitting the papers as evidence during the trial "prejudicial error was committed." On this last and most important point, he didn't specifically say whether this prejudicial error violated the Constitution or was unlawful on other grounds. Of course, if it is unconstitutional not to give such evidence back to its owner, it would appear to be equally unconstitutional to use that evidence in court, for the use is the purpose behind the refusal. In short, the body of the opinion strongly suggested that this prejudicial error amounted to a violation of the Fourth Amendment itself, but, again, Justice Day did not say so directly. In his conclusion he said that it was not

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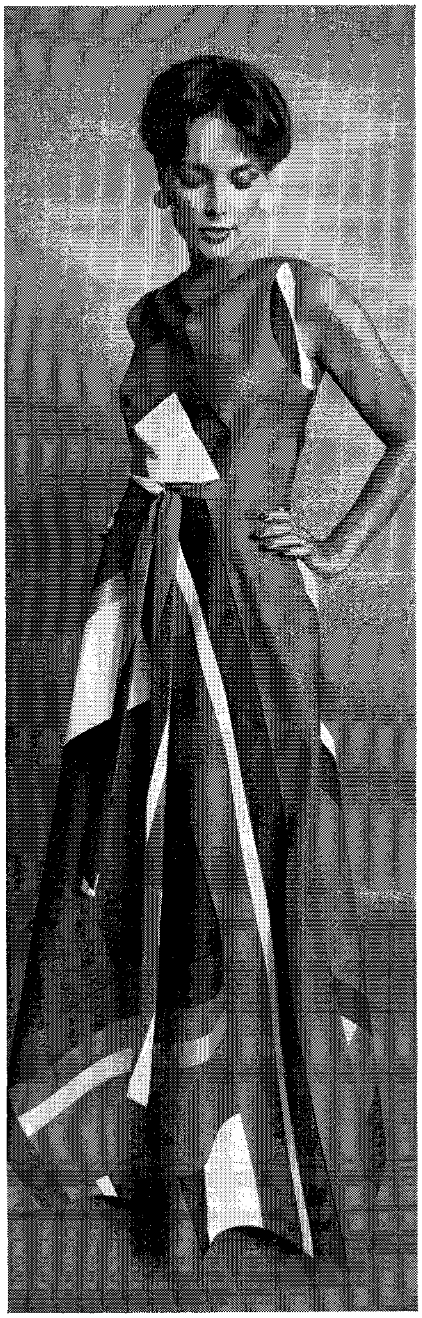

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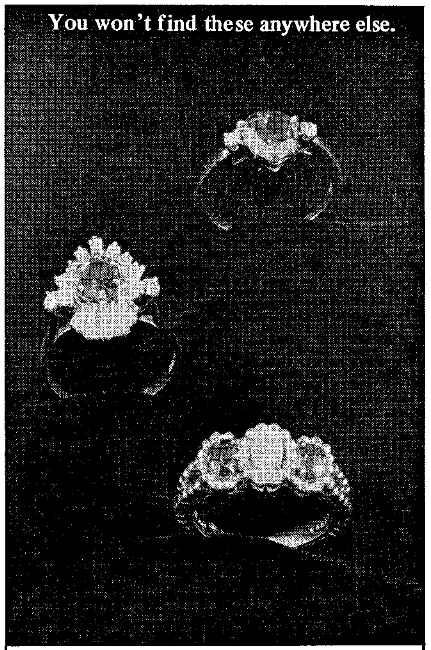

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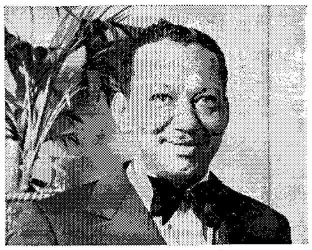

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up to the Court to determine what recourse the victim of this particular search and seizure might have against state and local officials; at the time, none of the Bill of Rights was binding on the states, so the decision applied only to the federal government.

Just as law-enforcement officials are supposed to keep up with the inventive capacity of criminals for breaking the law, so the courts are supposed to keep up with law-enforcement officials' comparable ingenuity in circumventing the law. Since nothing in Weeks specifically prohibited the federal government from using evidence illegally obtained by state officials, federal officers soon began avoiding the Court's sanction against *their* use of evidence *they* had found through unreasonable searches and seizures by persuading local policemen to unreasonably search and seize evidence and hand it on to them—in keeping with what came to be known judicially as "the silver-platter doctrine." This method was used countless times after 1914 to evade the Weeks decision, until the Court finally got around to banning the practice forty-six years later. Such delays—whatever their effects on thousands of citizens whose basic rights have been denied them—not only are typical of the Supreme Court but are justified by it on the basis of a tradition known as "judicial self-restraint." Although the Court was set up by the Framers to decide what laws are fitting and what laws are not, the Court has always resisted making constitutional rulings on basic grounds unless it feels that it is compelled to. When the point of compulsion is reached and how it is determined are mysteries. But the effects of postponement are disagreeably clear: by condoning delay as a matter of judicial principle, the Court has ignored the individual rights it was designed to secure. Along the way, it has also made its own task immeasurably more difficult, for if it accepts brazenly unethical and unjust police practices by not rejecting them outright at the first opportunity, it encourages their use and inevitably creates anger on the part of the police and the public when it finally says, many years too late, that some long-accepted practice is illegal. And the indignant public reaction when the Court gets around to giving the people the rights they should have had all along under the Constitution then discourages the Court from taking other long-overdue stands on other constitutional issues.

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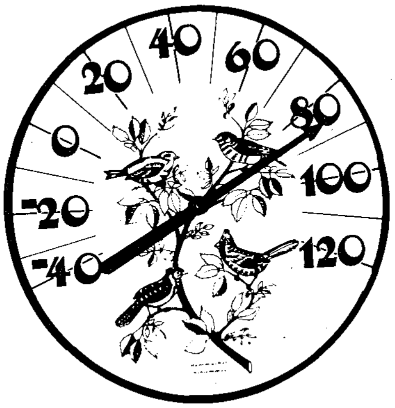

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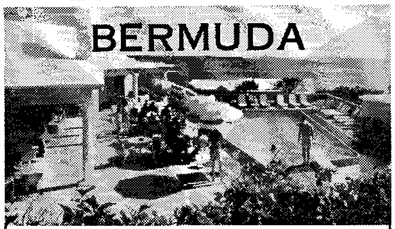

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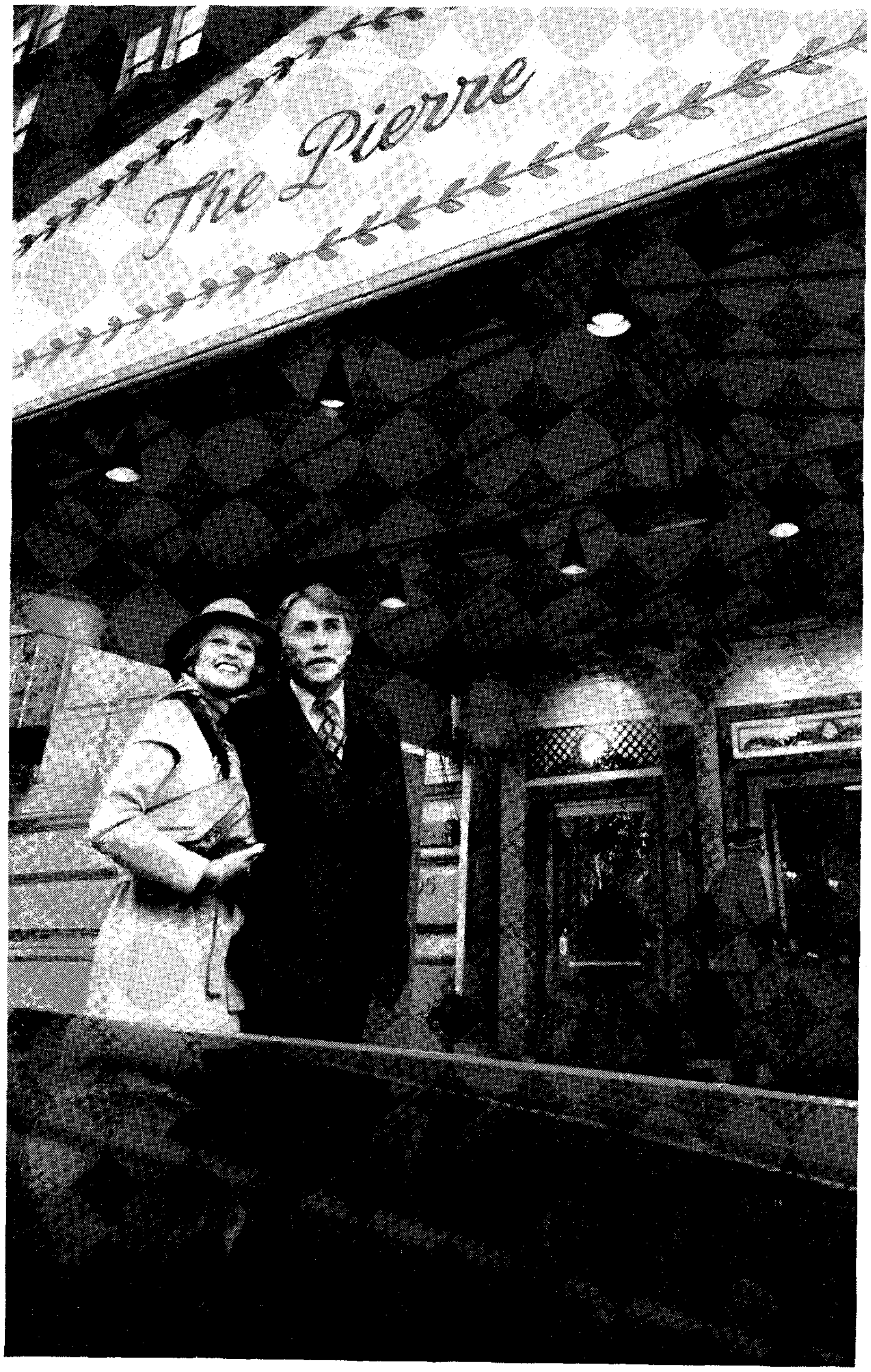

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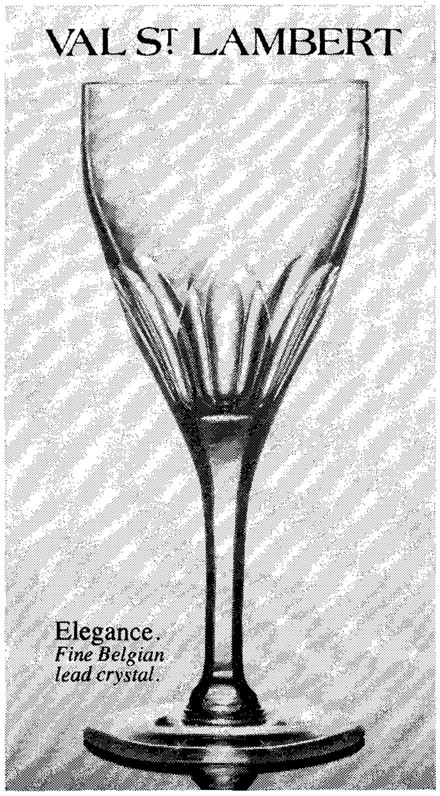

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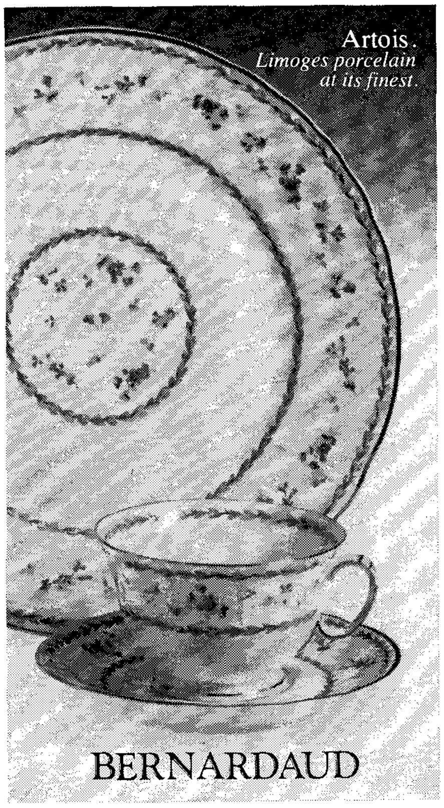

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uncommon speed—within a mere six years—to control another shortcut that became popular among federal prosecutors soon after the Weeks decision was handed down: finding evidence illegally and then using it as the basis for subpoenas to get hold of the same evidence legally. In Silverthorne Lumber Co. v. United States, federal agents arrested the Silverthornes, father and son, at their homes in upstate New York, while a United States Attorney, a United States marshal, and other federal officers broke into the lumber company and confiscated all the books, records, and papers they found there without a warrant. The Silverthornes sued for the return of their property, and a federal district court ordered the United States Attorney to obey the demand. He did—after he had photographed the documents he wanted to use as evidence and had obtained subpoenas for the originals. The Silverthornes refused to obey the subpoenas, and the district court, while deploring the methods used by the government to get the documents, upheld its right to have them, and sent the younger Silverthorne to jail for contempt of court. In 1920, the Supreme Court found the district court in error on its contempt citation and the government in violation of the Fourth Amendment. "The proposition could not be presented more nakedly," Justice Oliver Wendell Holmes said for the Court. "It is that although of course [the] seizure was an outrage which the government now regrets, it may study the papers before it returns them, copy them, and then may use the knowledge that it has gained to call upon the owners in a more regular form to produce them; that the protection of the Constitution covers the physical possession but not any advantages that the government can gain over the object of its pursuit by doing the forbidden act. . . . In our opinion such is not the law. It reduces the Fourth Amendment to a form of words. The essence of a provision forbidding the acquisition of evidence in a certain way is that not merely evidence so acquired shall not be used before the court, but that it shall not be used at all"—unless, he added, it was also found by means that were entirely independent of the illegal act. Holmes's reference to "a provision forbidding the acquisition of evidence in a certain way" can only refer to the Fourth Amendment's sanction against "unreasonable searches and seizures," so the "essence" of this provision—"that not merely evidence so acquired shall not be used before the court, but that it shall not be used at all"—must be intrinsic to the Fourth Amendment. Once again the Court failed to state definitively, although it clearly seemed to mean, that the use of unreasonably seized evidence in any manner is unconstitutional.

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In Olmstead v. United States, decided in 1928, the issue of wiretapping reached the Supreme Court for the first time. Despite a state law against wiretapping, over a five-month period during the Prohibition era federal agents in the state of Washington listened to and recorded an enormous number of business and personal conversations over various telephones used by a group of bootleggers, who were then prosecuted and convicted on the basis of evidence gained by means of the taps. They appealed to the Supreme Court, and argued that the use of such evidence during their trial violated their rights under the Fourth and Fifth Amendments, as interpreted in Boyd, Weeks, and Silverthorne. In 1928, the Court upheld the convictions by a five-to-four vote, and ruled that the wiretapping at issue had not violated the Fourth Amendment, because it did not constitute a search and seizure. Since the telephone wires had been tapped outside the defendants' homes and places of business, there was no illegal entry and thus no search, Chief Justice William Howard Taft explained, and since the Fourth Amendment guaranteed the security of "the person, the house, his papers or his effects"—or "things," he said—there was no seizure, for only spoken words had been seized.

Olmstead remained on the books for thirty-nine years, and during that period electronic surveillance became so highly developed and so widespread that by the time the decision was overruled, in 1967, it was too late to destroy the monster that Taft had unleashed. (The Federal Communications Act of 1934 was thought to forbid wiretapping, but law-enforcement officials, emboldened by Taft's statement that the Fourth Amendment did not apply to wiretapping, found loopholes in the law, and the practice flourished. It wasn't until 1967 that the Court found both bugging, which hadn't been covered by the 1934 law, and wiretapping to be violations of the Fourth Amendment. That same year, however, the Court also ruled that bugging and tapping were permissible

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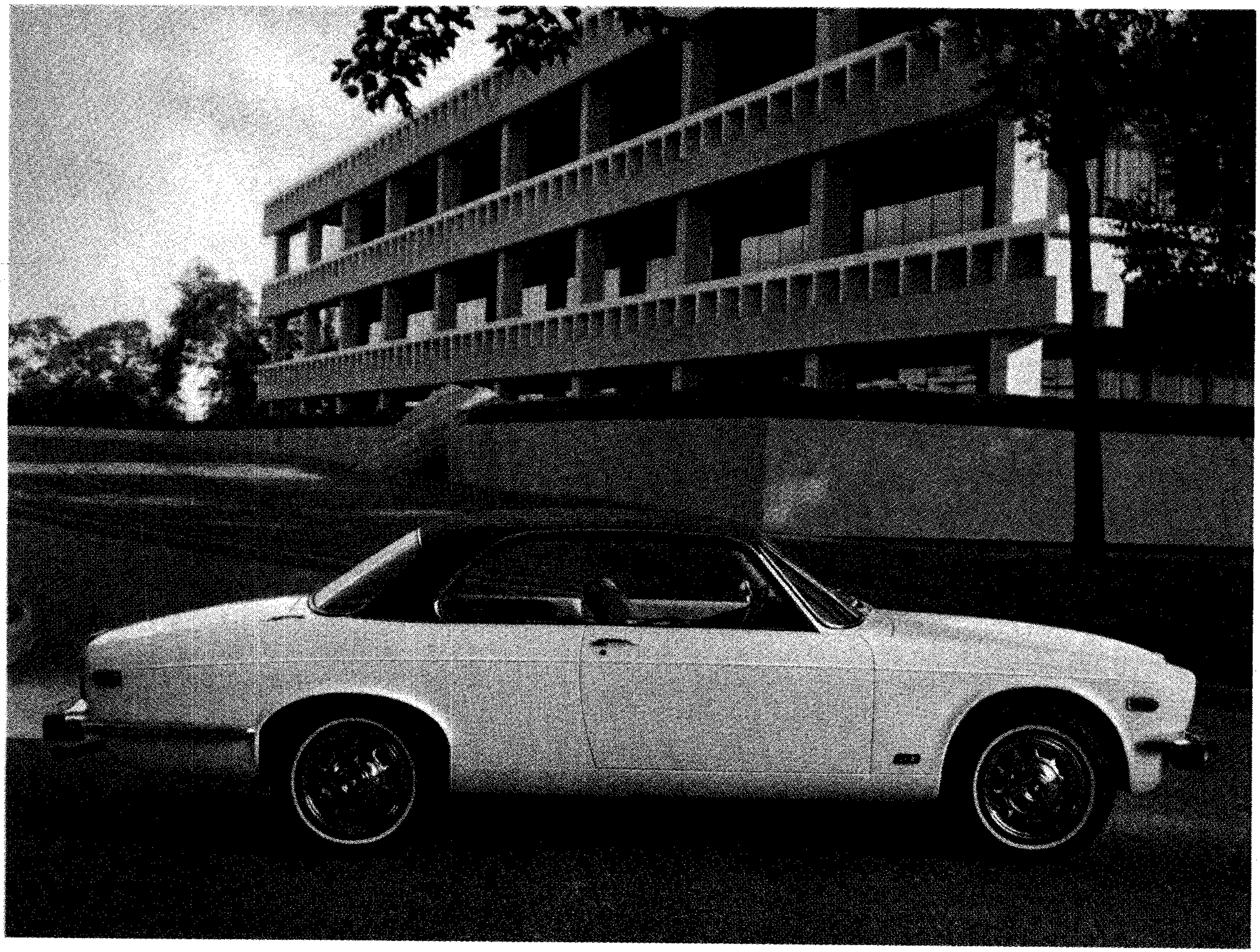

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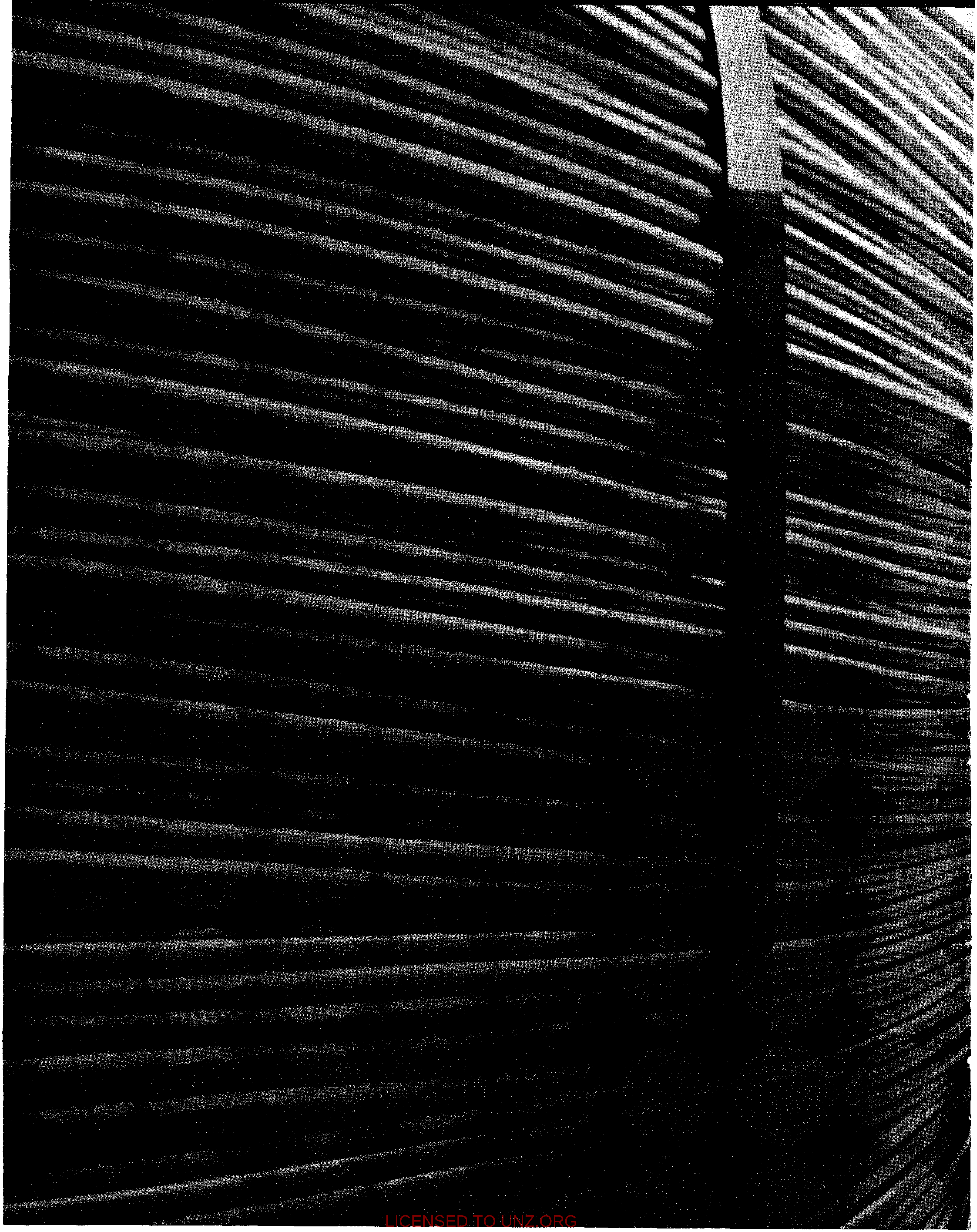

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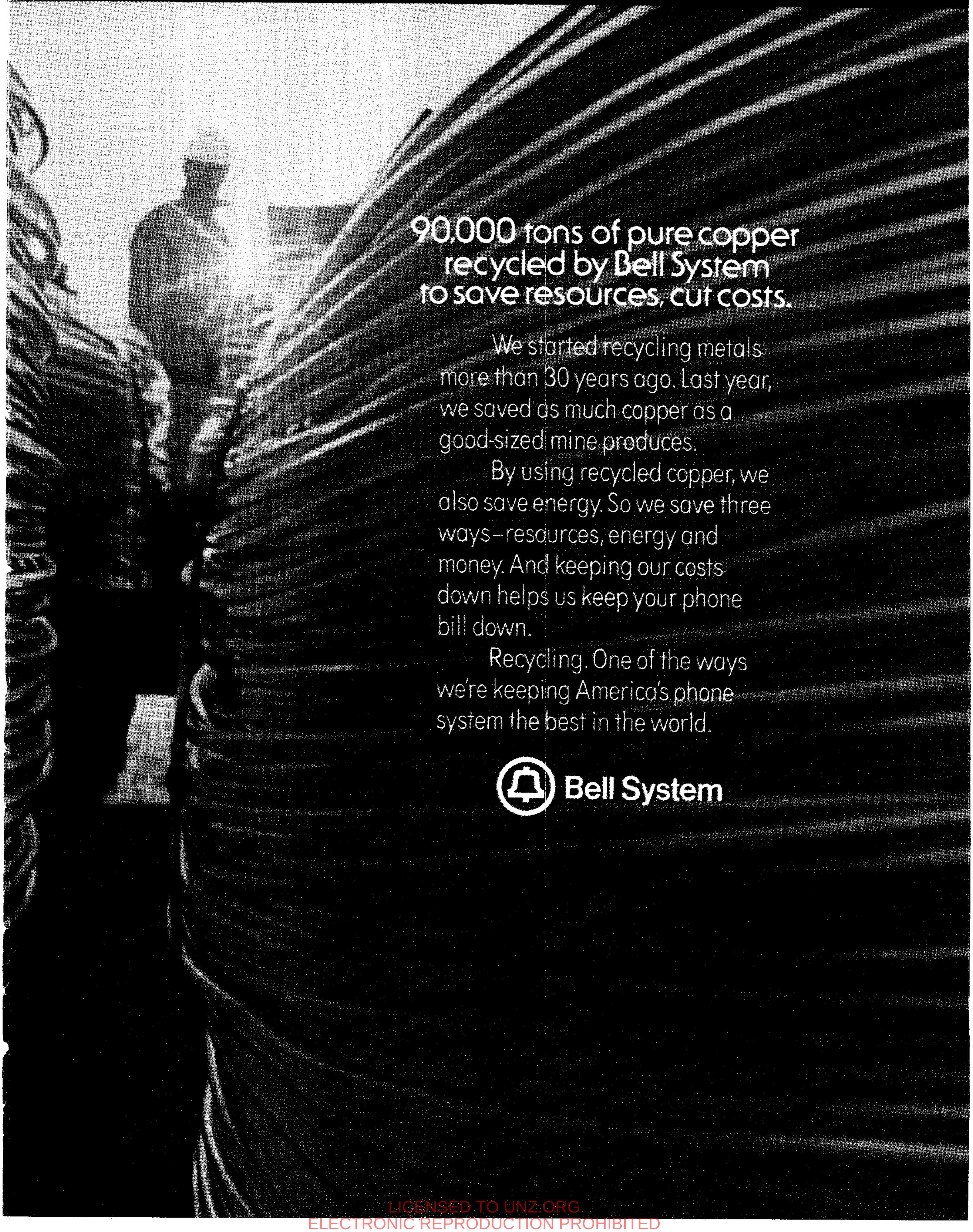

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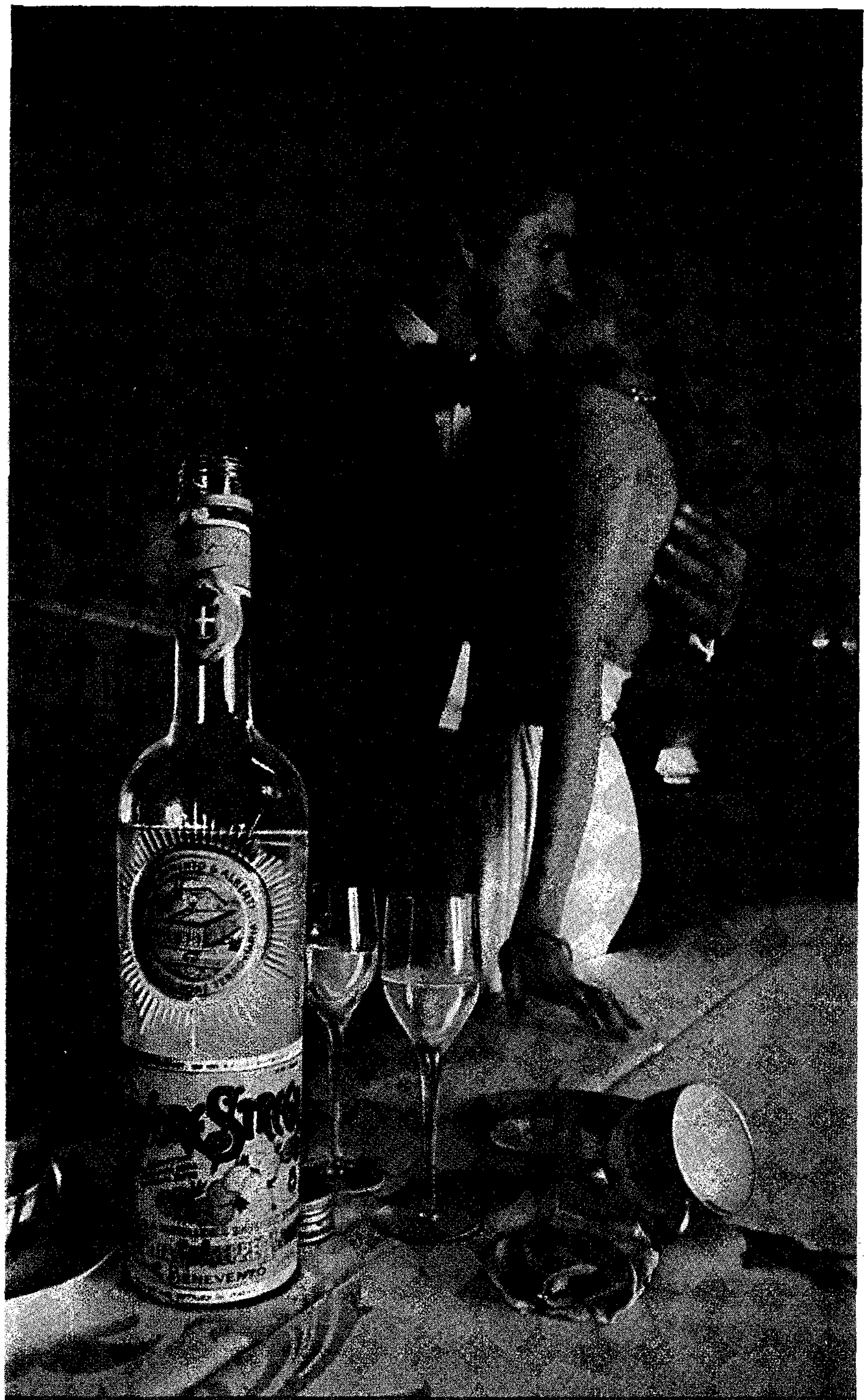
under extremely circumscribed conditions, and the following year Congress used this tiny opening to enact an extremely broad law that allowed the government to wiretap and bug just about anyone. This law, the Omnibus Crime Control and Safe Streets Act of 1968, was passed in the wake of the assassinations of Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy, after scores of riots blazed through the nation's black slums, and just before the Presidential election of Richard Nixon, who had made crime his main campaign issue.) Chief Justice Taft's unexpected defense of the basic principle behind exclusion was probably inadvertent, because throughout his career on the bench he had repeatedly demonstrated his obsessive loathing of anything that was even faintly "progressive." But at a crucial point in Olmstead he said, "The striking outcome of the Weeks case and those which followed it was the sweeping declaration that the Fourth Amendment, although not referring to or limiting the use of evidence in courts, really forbade its introduction if obtained by government officers through a violation of the Amendment. Theretofore many had supposed that under the ordinary common-law rules, if the tendered evidence was pertinent, the method of obtaining it was unimportant. . . . But in the Weeks case, and those which followed, this Court decided with great emphasis, and established as the law for the federal courts, that the protection of the Fourth Amendment would be much impaired unless it was held that not only was the official violator of the rights under the Amendment subject to action at the suit of the injured defendant, but also that the evidence thereby obtained could not be received." The Weeks decision, he added, "announced an exception to the common-law rule by excluding all evidence" obtained through unreasonable seizures. While it has been contended that by "exception" Taft meant to say that exclusion was a mere rule, like the common-law rule it replaced, and was not intrinsic to the Fourth Amendment, another statement in his opinion refutes that interpretation: "Nor can we, without the sanction of congressional enactment, subscribe to the suggestion that the courts have a discretion to exclude evidence, the admission of which is not unconstitutional, because unethically secured." If this nearly incoherent sentence means anything, it means that it was up to Congress to forbid the use of unethically secured evidence, and the Court was



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restricted to forbidding the use of unconstitutionally acquired evidence. Since the Court had forbidden the use of unreasonably seized evidence in Weeks and later cases, and since Taft supported those decisions in Olmstead, his statement is an affirmation of the principle set down in Boyd, Weeks, and Silverthorne—that exclusion is fundamental to the Constitution rather than merely a procedural rule of evidence. Whether or not that was what Taft meant to say, that was what he said.

For the sake of clarity, it could be said that in constitutional matters the difference between a rule and a principle is that a rule is a judicially imposed mode of legal procedure, which can be altered if it is found impractical, and a principle is an essential and immutable, though sometimes only implicit, feature of the Constitution without whose application a given sanction in that document would lack meaning and effect. In other words, the difference between rules and principles is much the same as the difference between means and ends. A rule is a judicial means of implementing a constitutional mandate, and a principle is an integral part of that mandate. Even though the Supreme Court seems to have said, and to have said in a variety of ways, in its earliest and most important Fourth Amendment opinions that exclusion of unreasonably seized evidence is fundamental to enforcement of that amendment and is thus a constitutional principle, there is still deep, and often acrimonious, disagreement among legal scholars and Supreme Court justices about whether exclusion is a principle or a rule. Unaccountably, all of them have ignored the precedents that so strongly support one side in the dispute—Boyd, Weeks, Silverthorne, and Olmstead, among others—and they devote their attention instead to such questions as whether exclusion unduly hampers prosecution of criminals, whether it is an effective deterrent against misbehavior on the part of the police, whether some other method might not be more suitable to uphold the Fourth Amendment's injunctions, whether it is necessary to preserve judicial integrity and the public's respect for fairness under the law, and, finally, whether the Fourth Amendment itself is a desirable, or even feasible, means of serving the public interest.

The conflicting views on the subject of exclusion among scholars and judges are bewildering. According to Professor Landynski, the "exclusionary rule" (as it is invariably called today)

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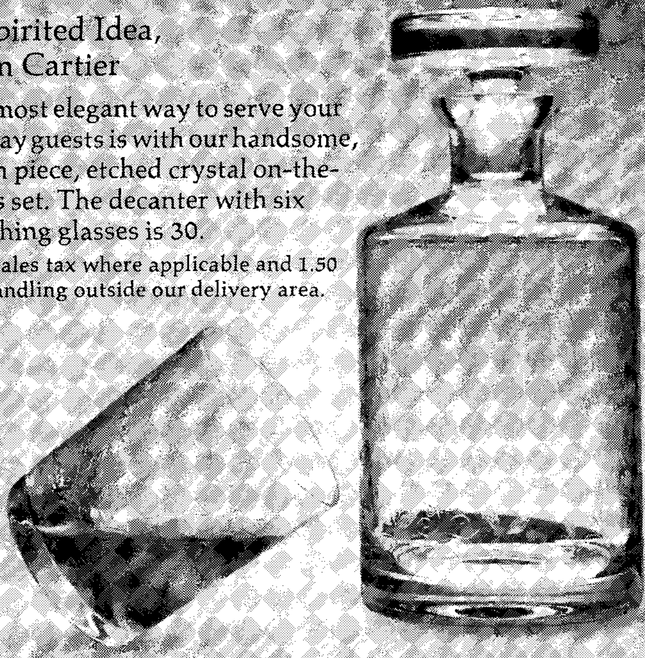

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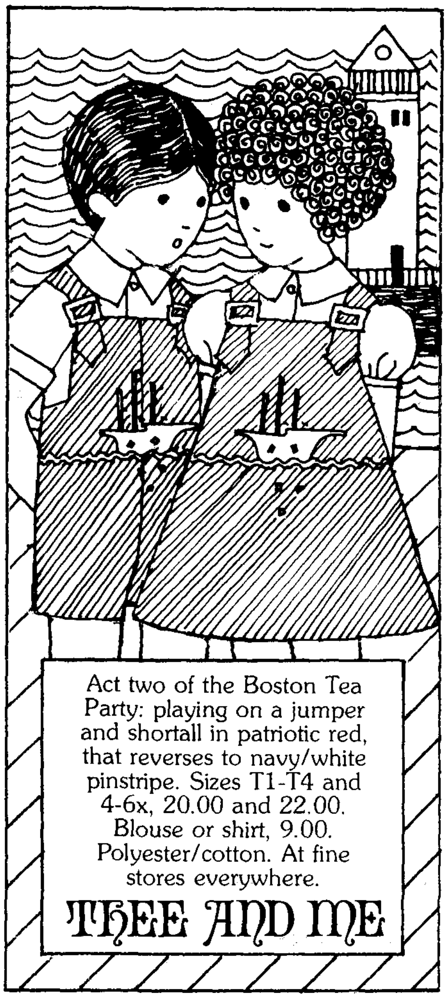

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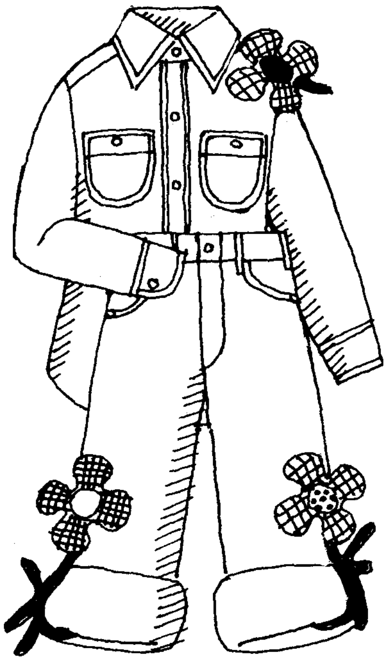

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"infused life into the hitherto lifeless body of the Fourth Amendment" and is "the most creative single act of the Supreme Court in this area of constitutional law." According to Professor Amsterdam, the rule is not "an explicit command of the Constitution" but was "fashioned by judges," and though exclusion of relevant evidence "is an evil in itself" because it often frees the guilty, "it is a necessary evil because the supposed alternatives to it are pie in the sky." According to Justice William J. Brennan, Jr., in a recent dissent from a Court decision that greatly weakened the use of the rule, "The Court seriously errs in describing the exclusionary rule as merely 'a judicial-created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect. . . .' Rather, the exclusionary rule is 'part and parcel of the Fourth Amendment's limitation upon [governmental] encroachment of individual privacy.' " According to Chief Justice Warren E. Burger, the Court's recent reversal of a man's conviction for a brutal murder on the basis of the rule "illustrates graphically the monstrous price we pay for the exclusionary rule in which we seem to have imprisoned ourselves;" and, in another case, he called upon Congress to prohibit the exclusion of evidence "from any criminal proceeding because of violation of the Fourth Amendment." Over the past few decades, the issue of exclusion has created increasing confusion and discord among law-enforcement officials, lawyers, and judges. On the one hand, there are those who believe that it is the only means of safeguarding the individual against unwarranted invasions of privacy, while, on the other hand, there are those who believe that the only means of safeguarding society lie in the right of the state to invade that privacy in the name of crime control, and, if it is necessary to fulfill that purpose, to get rid of the Fourth Amendment altogether. At the present time, a majority of the Supreme Court's members seem determined to abolish exclusion by finding that it is merely a rule and that it doesn't work. "All in all," Professor Thomas I. Emerson, another leading constitutional scholar, has observed, "the future of the Fourth Amendment remains in some doubt."

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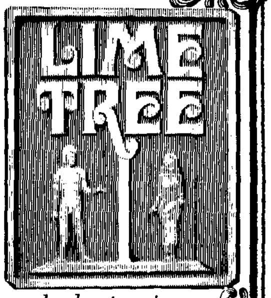

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them—to the First Congress, meeting in New York City, he intended them to be made binding on state governments as well as on the national government. His colleagues in the House generally agreed with him, and adopted the amendments with that understanding. But a majority of the Senate's members—who were then chosen by state legislatures and were far more conservative than members of the House—felt that the states had already given up enough, or too much, of their sovereignty in the body of the Constitution, and insisted that the Bill of Rights apply only to the national government, whose potential for despotism they feared the most. Madison, for his part, feared the people themselves and their immediate representatives—state legislators—far more. "The prescriptions in favor of liberty ought to be levelled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power," he said. "But this is not found in either the Executive or Legislative departments of Government, but in the body of the people, operating by the majority against the minority." Of course, that majority most easily controls local legislatures. Accordingly, Madison wanted the states to be as restricted in their powers over the individual as the national government was, chiefly by way of the courts. When he introduced the amendments that were to make up the Bill of Rights, he said, "If they are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardian of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights."

Although there are no clear historical records to explain why this declaration of rights was not written into the Constitution when it was drafted, in the summer of 1787, it appears that the Framers took most of the guarantees later formulated in the Bill of Rights for granted. They were viewed as natural and inalienable rights that the states would be bound to respect, and if any state wanted to deny its citizens such rights, it was pointed out, "parchment barriers" would not stop it. In any event, it is clear that a majority of Madison's political contemporaries—that is, a majority of the larger and more representative body of Congress, the House—shared his views, and that

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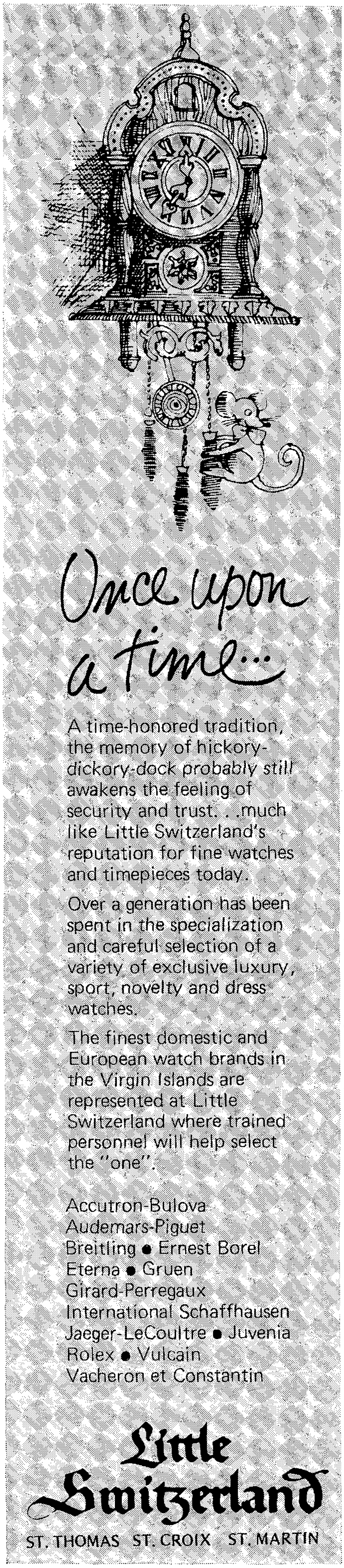

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these were rejected by only a few men in the Senate who basically spoke for the propertied interests that controlled state legislatures. It is likely that most of the men of the time who held positions of influence throughout the new nation viewed the rights of the individual chiefly as one right—to control private property as its owner saw fit. That was why such men had fought the Revolution, and that was why they reluctantly accepted the Constitution and the Bill of Rights, as a means of establishing and limiting a federal government. To a large extent, they ran the states, and they meant to go on running them, and would accept federal interference only when it was necessary to maintain peace among them, to protect them from foreign invasion, and to facilitate commerce. This form of personal freedom seems to have been what many other Americans also wanted, and it was largely what the federal system was designed to provide. Government at every level in the United States was directed toward assisting the people to protect and enlarge their property, for that government was dominated by men who had no other aim themselves. Of course, there were also many other people in the United States during this time of expansion and plunder who did not view possession of property as the paramount good. And the words they spoke and wrote led to the first major break in this national pattern—the Civil War, which was essentially a contest over whether people were property, too.

After the war, the Southern states went on depriving the freed slaves of liberty, and to right this continuing wrong the nation, in 1868, adopted the Fourteenth Amendment: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Some lawyers argued at the time, and other lawyers argue today, that the Fourteenth Amendment was designed to apply the entire Bill of Rights to the states through its due-process clause. But the Supreme Court disagreed from the outset, and still does. A quarter of a century after adoption of the amendment, three justices held that it "incorporated" the Bill of Rights into the Constitution and made all its provisions applicable to the states. But their view did not prevail, and although as many as four of the nine justices have taken this position, it has never commanded a majority. It wasn't until 1925 that the Court found *any* part of the Bill of Rights binding on the states; in that year it declared that freedom of speech and freedom of the press "are among the fundamental personal rights and liberties protected by the due-process clause of the Fourteenth Amendment from impairment by the states." But resistance on the Court to the idea of imposing the entire Bill of Rights on the states was too strong, and it wasn't until the time of the Warren Court that almost all of its criminal-justice guarantees were finally made binding—one by one, in case after case—on the states. To a large degree, it was this process that raised such howls of protest on the far right. Most of the critics of the Warren Court seemed to be the philosophical, and often the propertied, descendants of Madison's opponents. Like those forebears, today's conservatives fear federal power—in this case, the power of the Supreme Court—when it limits their power to control the states. They do not fear the police, for they own the police, who serve them and protect their most cherished personal right—the sanctity of private property. Despite all the bitter attacks on the Warren Court, it did nothing more than finally give the people the rights that they and the Framers assumed were perpetually theirs. As a result of this long and unjust delay, the present generation of Americans is the first generation to enjoy the freedom—on paper, at least—that the Declaration of Independence, the Constitution, and the Bill of Rights so boldly declared to the world to be the right of all men.

Madison's hope that the courts would provide an "impenetrable bulwark" against official tyranny might have been fulfilled if the Supreme Court had led the way by seizing the opportunity provided by passage of the Fourteenth Amendment to impose the Bill of Rights on the states then and there. Like just about every other institution in the country, though, the Court was far too busy protecting private property to pay much attention to private rights. And its long postponement of basic constitutional issues has severely limited its recent attempts to face some of them at last, for each time that it tries to uphold the people's oldest rights it is attacked for trying to give them something new. Moreover, since nine out of ten people who come up against the law in this country

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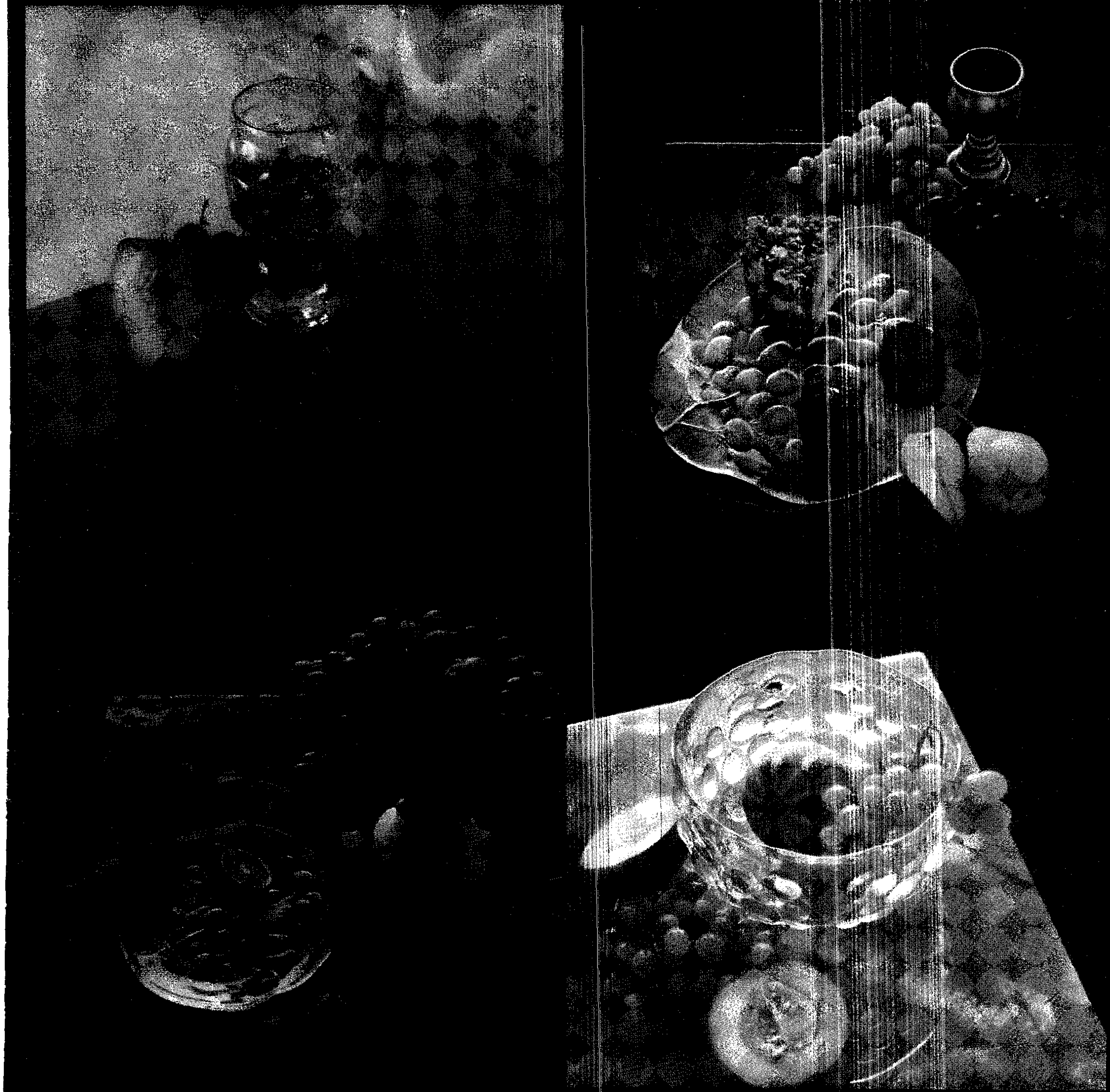

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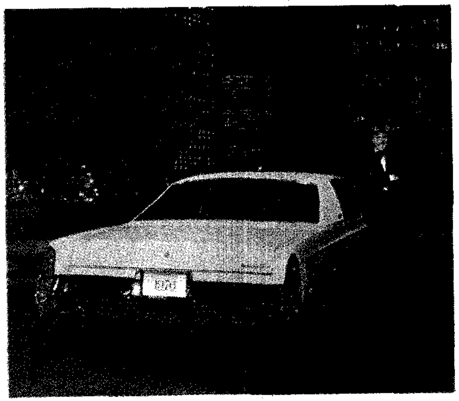

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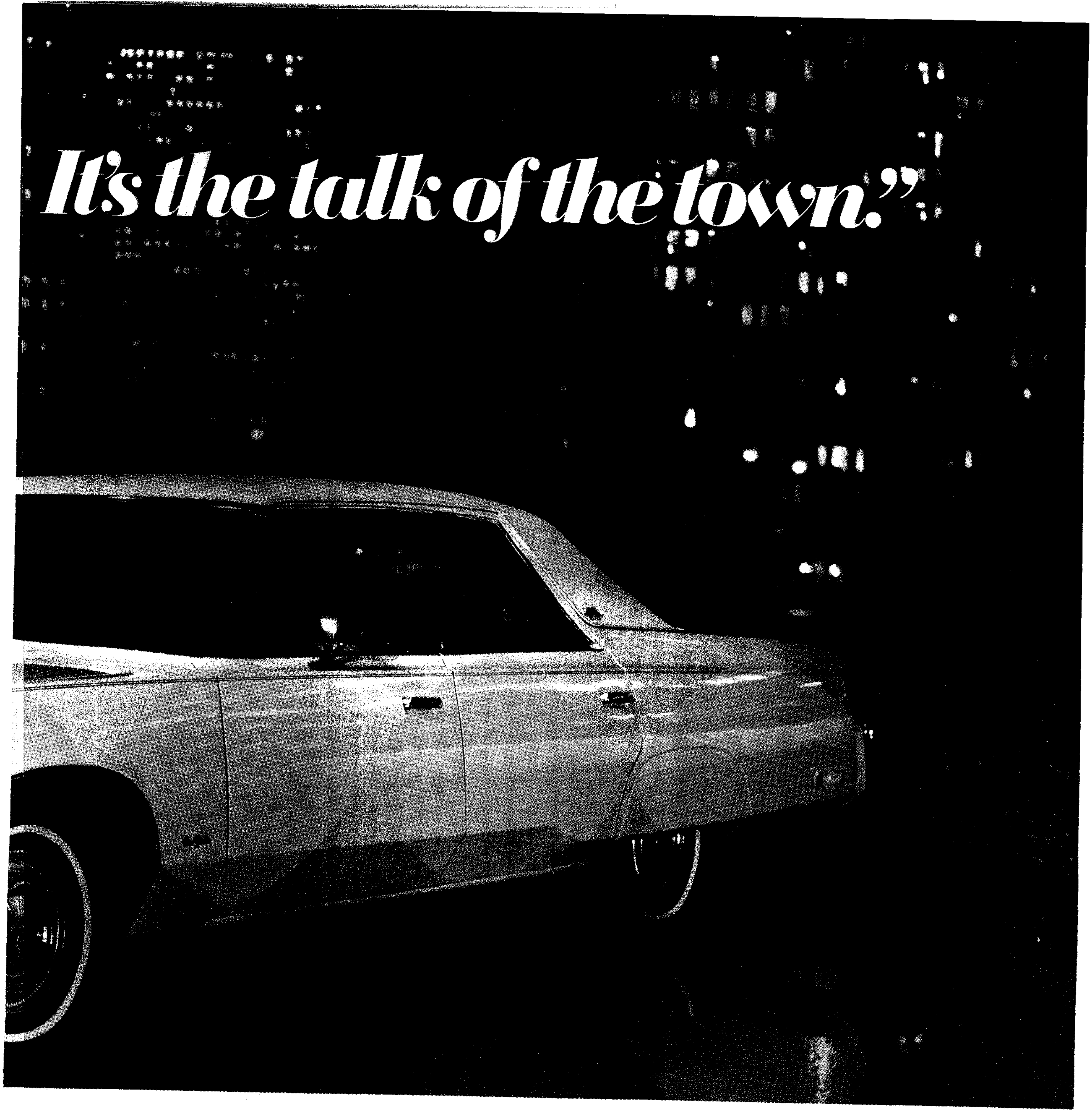

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come up against state law, the potential for tyrannical oppression, and its reality, lies with the states now as much as it did in Madison's day. "Far too many cases come from the states to the Supreme Court presenting dismal pictures of official lawlessness, of illegal searches and seizures, illegal detentions attended by prolonged interrogation and coerced admissions of guilt, of the denial of counsel, and downright brutality," Justice Brennan said in a lecture during the days when the Warren Court struggled, with very modest success, to limit these practices. "Judicial self-restraint which defers too much to the sovereign powers of the states and reserves judicial intervention for only the most revolting cases will not serve to enhance Madison's priceless gift of 'the great rights of mankind secured under this Constitution.' "

THE perils of judicial self-restraint and deference to state powers are nowhere clearer than in the Supreme Court's handling of the exclusionary issue in Fourth Amendment cases. Although today most lawyers trace the exclusionary rule back to the Weeks case, actually Weeks established it as a principle, and it wasn't until thirty-five years later, in 1949, that the Court backed off from that decision and declared that the principle was merely a rule. In short, the end had been reduced to a means. That reduction was made without observable study of the precedents in Boyd, Weeks, Silverthorne, and Olmstead, and without overruling any of the findings in those cases, which so strongly suggested that exclusion was a constitutional mandate. The case was Wolf v. Colorado, and the Court's opinion was delivered by Justice Felix Frankfurter, one of the sternest advocates of judicial self-restraint and deference to state power ever to sit on the highest bench. The basic question posed by Wolf—a case involving prosecution of a physician for conspiracy to perform abortions—was whether the Fourth Amendment should be applied to the states under the "incorporation" doctrine. When the Supreme Court has decided that a provision in the Bill of Rights must finally be binding on the states, it usually follows one of the guidelines it has set up over the years: either the guarantee is among "those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions" or it is "so rooted in the traditions and conscience of our people as to be ranked as fundamental" or it is "of the very essence of a scheme

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of ordered liberty." Frankfurter preferred the last guideline, for to him order was as essential as liberty to the survival of the Republic. "The security of one's privacy against arbitrary intrusion by the police—which is at the core of the Fourth Amendment—is basic to a free society," he said for the Court in Wolf. "It is therefore implicit in 'the concept of ordered liberty' and as such [is] enforceable against the states through the due-process clause." This statement appeared to be a strong defense of the liberty of the individual, but Justice Frankfurter immediately transformed it into a defense of the primacy of order in the state by declaring that the exclusion of unreasonably seized evidence "was not derived from the explicit requirements of the Fourth Amendment" but "was a matter of judicial implication," and was not binding on the states, which were free to choose this method or any other "deterrent remedy" in their efforts to discourage the police from arbitrarily intruding upon citizens' privacy. In sum, Frankfurter ordered that the Fourth Amendment was now binding on the states but then ruled that the only means of making that order enforceable was not binding on the states. Accordingly, he upheld the conviction.

In one of three dissenting opinions in Wolf, Justice Frank Murphy said, "It is disheartening to find so much that is right in an opinion which seems to me so fundamentally wrong." What he found right was that the Fourth Amendment was to be binding on the states from then on, and what he found wrong was that, having gone that far, the Court could "yet be unwilling to make the step which can give some meaning to the pronouncements it utters." Continuing, he said, "Alternatives are deceptive. . . . For there is but one alternative to the rule of exclusion. That is no sanction at all." As for Frankfurter's "bland citation" of "other remedies," Murphy went on, "Little need be said concerning the possibilities of criminal prosecution," and explained, "Self-scrutiny is a lofty ideal, but its exaltation reaches new heights if we expect a district attorney to prosecute himself or his associates for well-meaning violations of the search and seizure clause during a raid the district attorney or his associates have ordered." Another supposed alternative, Murphy said, was a trespass suit for damages—"a venerable means of securing reparation for unauthorized invasion of the home." But this was "an illusory remedy," he added, because in a trespass suit the

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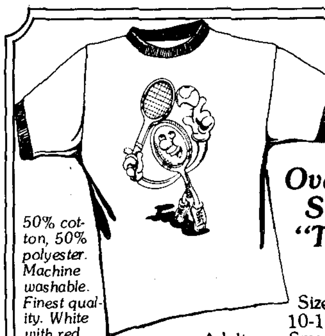

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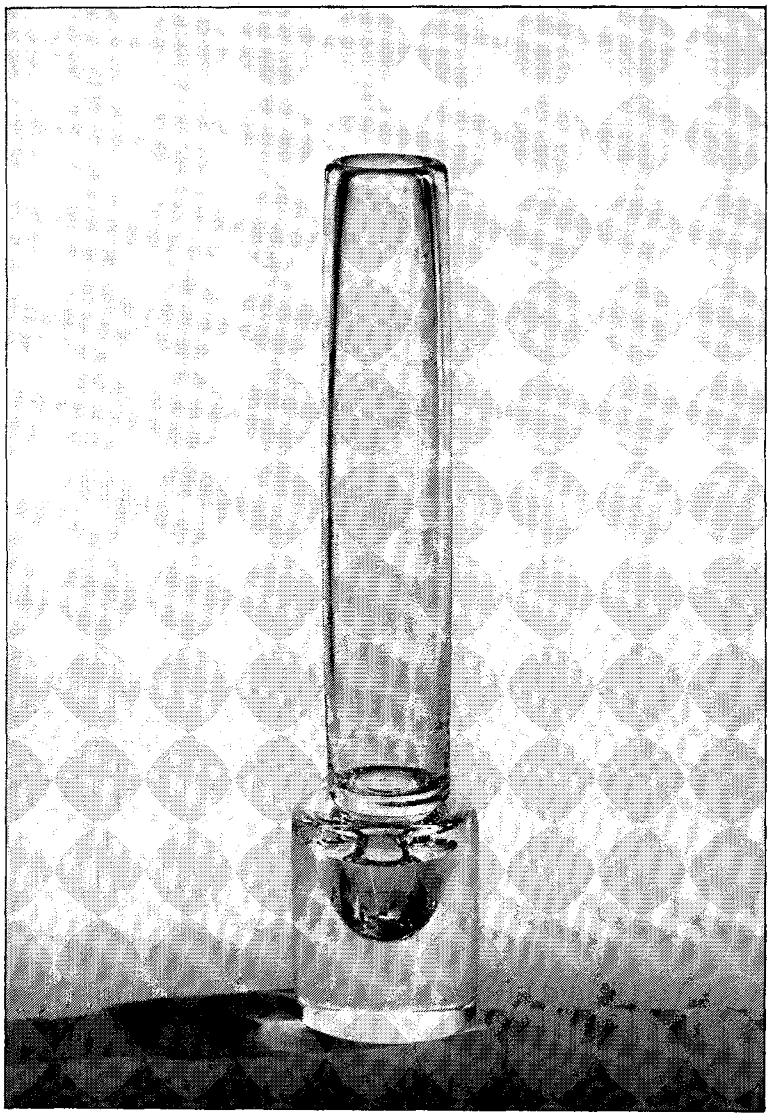
measure of damages is the extent of injury to the property invaded—a few dollars, at most, if the police are at all careful. Equally illusory would be a suit for punitive damages, because some states permit none under any circumstances; in those that do, the plaintiff has to prove malice on the part of the officer, and if that point is proved, then often physical damage must be shown before punitive damages will be awarded. Once they are, the good intentions of the officer will be considered in mitigation, whereas the bad reputation of the plaintiff will be considered as an aggravation. "And even if the plaintiff hurdles all these obstacles, and gains a substantial verdict," Murphy went on, "the individual officer's finances may well make the judgment useless—for the municipality, of course, is not liable without its consent. Is it surprising that there is so little in the books concerning trespass actions for violation of the search and seizure clause? . . . The conclusion is inescapable that but one remedy exists to deter violations of the search and seizure clause. That is the rule which excludes illegally obtained evidence. Only by exclusion can we impress upon the zealous prosecutor that violation of the Constitution will do him no good." In addition to these drawbacks, juries almost always take the word of a policeman over the word of someone who appears unsavory or at least suspicious. And anyone who challenges the police through a lawsuit must be prepared for official persecution—in the form of false arrest, surveillance, and more illegal searches—later on. And, finally, it is difficult to find a lawyer who will take such a case, which is bound to be, as Amsterdam has said, an "investigative and litigative nightmare." But even the dissenters in Wolf made exclusion seem a utilitarian means, not an end. And all of them ignored the main point—the purpose of exclusion was to stop government from breaking its own laws.

In stating that privacy was fundamental to the Constitution but that illegal invasions of privacy could be used to prosecute a victim in a state court, Frankfurter virtually assured that privacy would be less secure than ever. And his finding that exclusion was not constitutionally required because it is nowhere mentioned in the document was exceedingly odd in view of the fact that privacy, which he called the Fourth Amendment's purpose, is nowhere mentioned there, either. There are many constitutional principles—such as the presumption of



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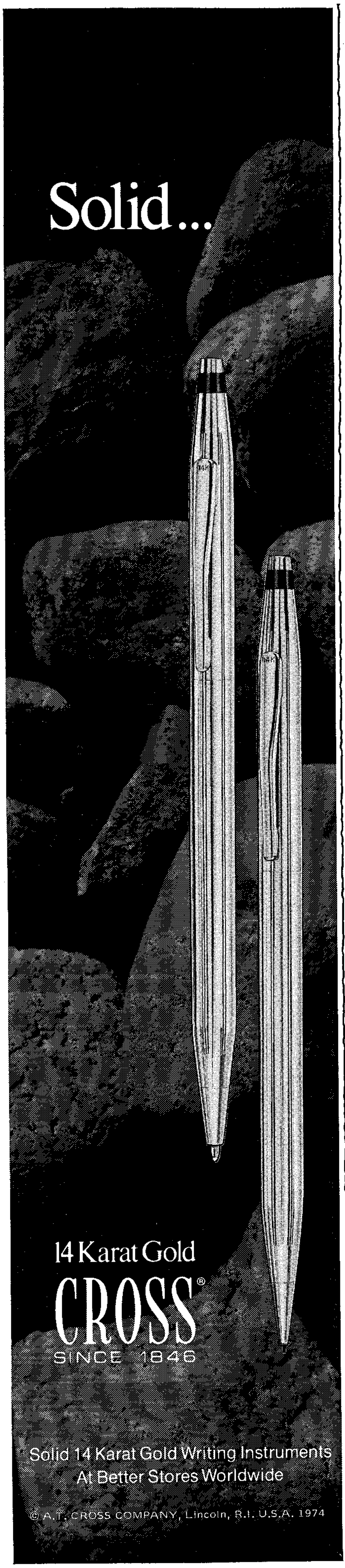
innocence and proof beyond a reasonable doubt—that are not set down explicitly in the Constitution, and yet they are considered fundamental to our legal system. "Frankfurter's statement that exclusion was the result of 'judicial implication' and was thus not intrinsic to the Fourth Amendment is just plain silly," Professor Kamisar said recently. "Almost everything the Court has said about what the Constitution means has been the result of judicial implication. The authors of the Constitution purposely made it not too explicit, so that later generations could translate its implications to meet the needs of their time." Finally, Frankfurter's conclusion in Wolf is even more mysterious given his famous statement in an opinion he delivered half a dozen years earlier: "The history of liberty has largely been the history of observance of procedural safeguards." Professor Amsterdam, who once served as Frankfurter's clerk, has added to this reminder, "And the history of the destruction of liberty . . . has largely been the history of the relaxation of those safeguards in the face of plausible-sounding governmental claims of a need to deal with widely frightening and emotion-freighted threats to the good order of society."

Justice Frankfurter was the epitome of the conservative justice, and his views on the Fourth Amendment are the best expression put forth by one side in the long struggle between the justices who have favored the needs of the state and the justices who have favored the rights of the individual. Frankfurter was probably as intelligent as any man who has served on the Supreme Court, he was a student of the historical foundations of this nation, he was a believer in finding and applying the intent of the Framers, and he was a confirmed statist. Whenever he was faced with a choice between the state and its citizens, he almost always came down on the side of the state. Above all, Frankfurter was a tidy man, and for him order invariably took precedence over liberty, for liberty is, of course, an untidy and even boisterous affair. On philosophical grounds, justices like Frankfurter have usually rationalized their stand on the conviction that the Framers guaranteed the states *their* rights, and that any serious infringement of those rights would destroy the basic framework of our society—federalism. That premise is open to question. While it is true that the Framers wanted a strong central government to hold the states together, it is also true that they feared



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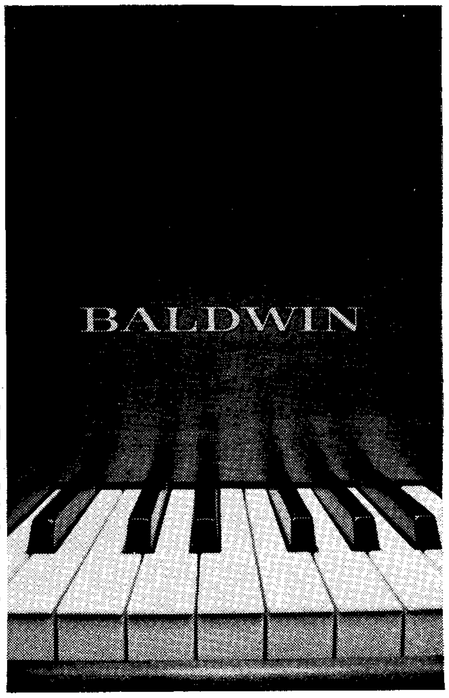

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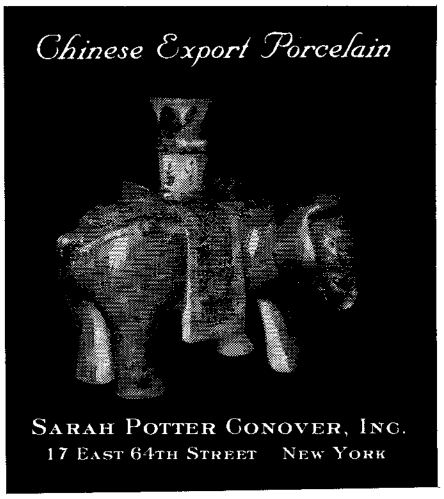

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government on any level because of its ungovernable tendency to usurp the rights of the individual. Again and again, American history has demonstrated the dangers inherent in a strong central government and in strong state governments. Over a century ago, the Southern states' proclaimed right to suppress freedom forced the national government to assert its rights, and the confrontation ended up in the Civil War. The continuing suppression of black people, South and North, over the next century was largely state suppression, and this ended up, a few years ago, in the worst outbursts of rebellion this nation had experienced since the Civil War. These, too, were the price of states' rights, and so were all the examples of police brutality and prosecutorial shortcuts cited by Justice Brennan. More important, though, the federalist claim that, historically, the Bill of Rights was intended to be applied only to the federal government and not to the states ignores two vital facts. Again, that decision was a political act by a handful of senators who were then not elected by the people but were appointed by and spoke for the states. And, further, the Bill of Rights was written and adopted because the people demanded it as their price for accepting the Constitution; they did not demand that such rights be given to them only when they ran afoul of the federal government but demanded protection against official tyranny. On logical grounds, too, the Frankfurter argument that the Bill of Rights could not be applied to the states, except selectively—"The issue is closed," he said in Wolf—collapses under examination. In the early nineteen-sixties, Justice Brennan said, "The Bill of Rights is the primary source of expressed information as to what is meant by constitutional liberty. The safeguards enshrined in it are deeply etched in the foundations of America's freedoms. . . . Each is a protection with centuries of history behind it, often dearly bought with the blood and lives of people determined to prevent oppression by their rulers." Given the undeniable truth of this statement, the Supreme Court's fumbling about with guidelines to find out whether one or another of these protections is "fundamental" or part of "ordered liberty" is an absurd exercise. While Frankfurter contended that if one provision in the Bill of Rights is not fundamental, then all the provisions in it are not fundamental, it could as properly be argued that if one provision in the Bill of Rights is fundamental, then so are all

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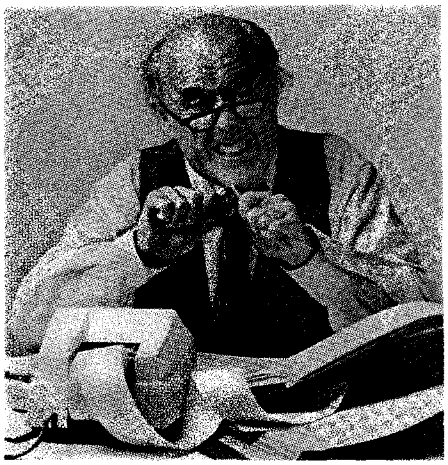

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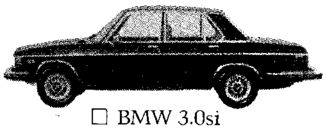
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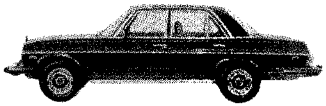
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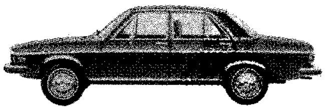
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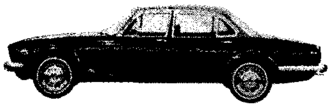
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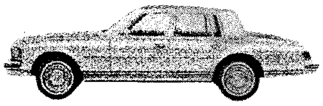
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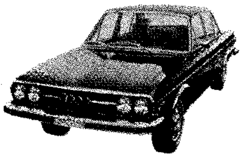
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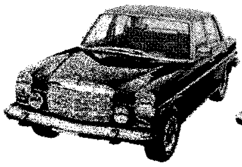
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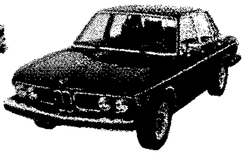
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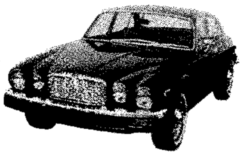
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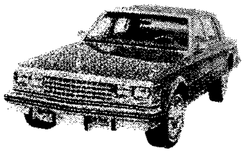
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Q. Which has a torsion-crank rear axle for a smooth ride?

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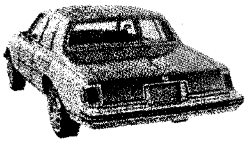
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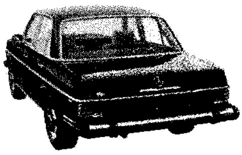
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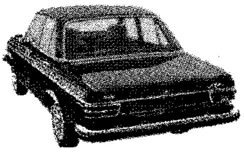
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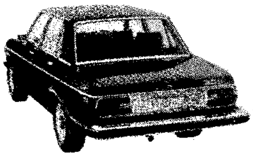
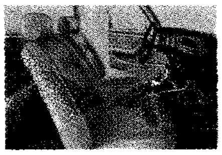

☐ BMW 3.0si

Q. Which of these luxury cars, with its orthopedically-designed seats, costs about half as much as the others?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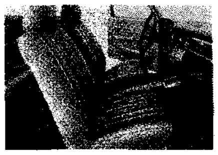
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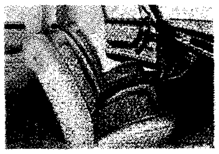
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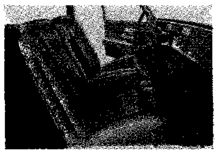
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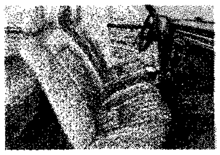
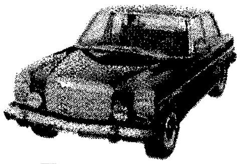

☐ BMW 3.0si

Q. Which is the only one with negative steering-roll radius to instantly and automatically self-correct in a front-wheel blowout?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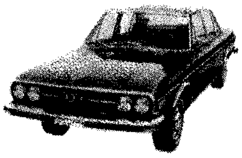
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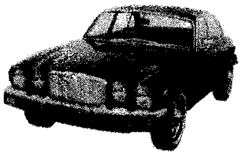
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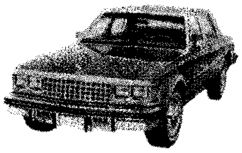
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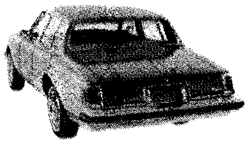
☐ BMW 3.0si

Q. Which has the most trunk space?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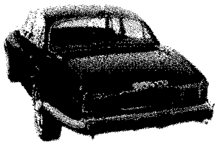
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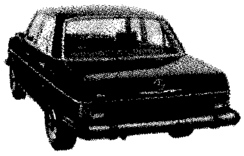
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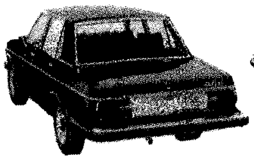
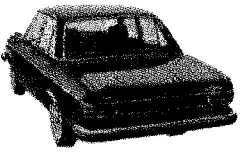

☐ BMW 3.0si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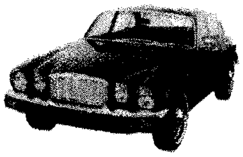
Q. Which was voted one of the 10 best cars for a changing world by Road & Track?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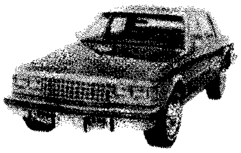
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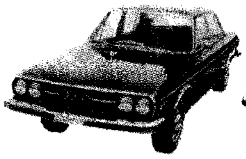
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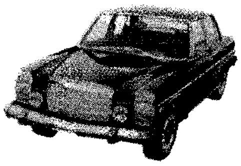
☐ BMW 3.0si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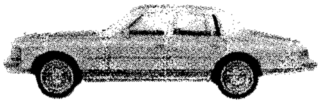
Q. Which costs about $5000 less than the others?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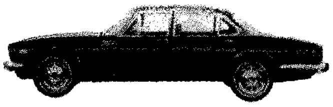
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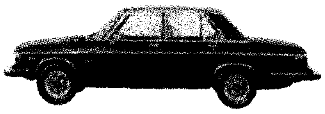
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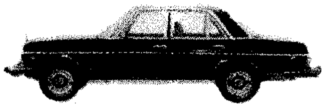
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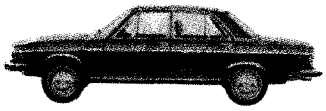
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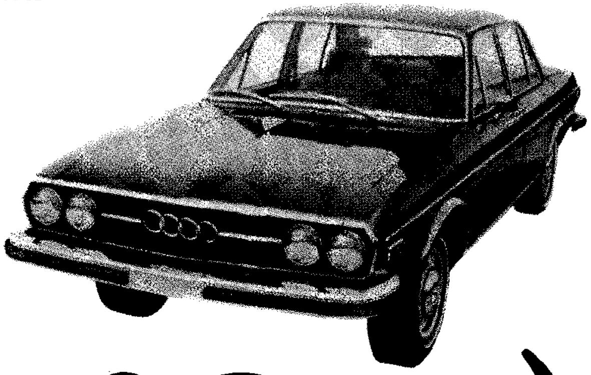

(The answers is Audi)

the others. In fact, history has supported the second view more persuasively than the first, since today only one criminal-law provision in the Bill of Rights—the right to indictment by a grand jury in a "capital or otherwise infamous crime"—has not been made binding on the states by the Supreme Court. In the end, the Court's piecemeal application of this protection and that protection, undertaken so grudgingly and so belatedly, stands as a judicial monument to statism.

EXACTLY two hundred years after James Otis pleaded for the rights of Americans against government invasions of their security and privacy, the Supreme Court finally granted that right to every citizen. In the spring of 1957, the Cleveland Police Department received a tip that a suspect in a bombing incident was hiding out in a local house, which was also said to contain some gambling equipment. The police went to the house, without a warrant, and demanded admission. The tenant, a woman named Dollree Mapp, telephoned a lawyer and on his advice refused to let the police in until they showed her a valid warrant. They kept the house under surveillance for three hours, and then, with the help of reinforcements, smashed in the rear door and entered. Miss Mapp demanded to see a warrant, and when an officer held out a piece of paper she grabbed it and thrust it inside the front of her dress. The officers overpowered her and retrieved the paper—apparently not a warrant, for no such document was ever introduced as evidence in the case. The police then searched the house, and found neither the suspected bomber nor any gambling paraphernalia. But they found four pamphlets, a couple of photographs, and a scrawled drawing—all of which seemed to them to be obscene. The materials seemed obscene to the city prosecutor and to a jury, too, and Miss Mapp was convicted of possessing obscene matter and sentenced to prison. The Supreme Court of Ohio heard an appeal on the case and ruled that while the conviction was primarily based on the use of evidence "unlawfully seized during an unlawful search" and thus offended the ordinary sense of justice, the evidence was still admissible in court because the police hadn't used brutal or "offensive" physical force to obtain it. In 1961, the United States Supreme Court overturned Wolf and reversed Miss Mapp's conviction, saying, "We hold that all evidence obtained by

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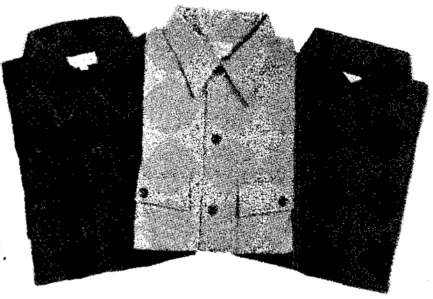

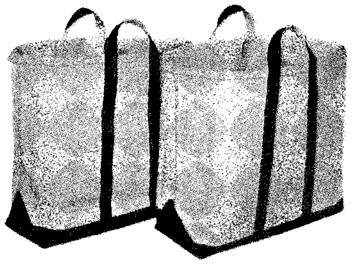

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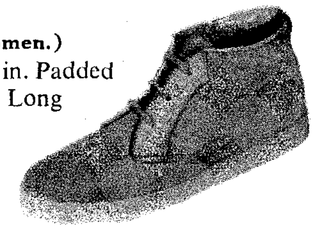

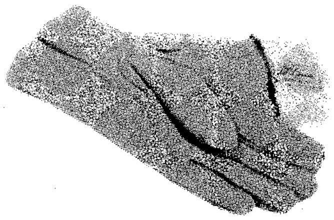

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searches and seizures in violation of the Constitution is, by that same authority, inadmissible in a state court." In other words, the exclusionary rule was now binding on the states as well as on the federal government.

It has been said that when the Supreme Court is divided on a major issue the Chief Justice often assigns the least convinced member of the majority to write its opinion—presumably on the theory that he will be best able to convey the common denominator that underlies the majority's views. In Mapp, Justice Tom C. Clark got the job of writing the Court's opinion. It was an unfortunate choice, for Clark transformed a landmark decision into a muddled heap of confusion and error that created more bitter contention over the issue of exclusion than ever—mainly because he so confusingly elaborated on and qualified the Court's overall finding that his opinion became a favorite weapon of those who hoped to weaken the Fourth Amendment. While he appropriately began the opinion with a long-overdue examination of the crucial passages in Boyd, he failed to examine them in any meaningful way, and ended up by doing little more than to cite quotations from their rhetorical flights. Moving on to Weeks, he chose the crucial passage, but this time he misinterpreted it by saying that "the Court in that case clearly stated that use of the seized evidence involved 'a denial of the constitutional rights of the accused.' " As noted earlier, this quotation from Weeks applied not to the use of such evidence in court but to the lower courts' refusal to honor the defendant's demand that the unlawfully seized evidence be returned to him; the denial referred to in Weeks pertained not to the use of unreasonably searched and seized evidence but to the unreasonable search and seizure itself as an outright violation of the Fourth Amendment. Then Clark went on to say that "in the Weeks case, this Court 'for the first time' held that 'in a federal prosecution the Fourth Amendment barred the use of evidence secured through an illegal search and seizure.' " But the quotation here was not from Weeks; it was from Frankfurter's opinion in Wolf, in which he specifically said that the exclusionary rule was "a matter of judicial implication" and was not intrinsic to the Fourth Amendment, which was clearly opposite to the majority view in Mapp, where Frankfurter was one of the three dissenters. Clark also compared exclusion under the Fourth Amendment to exclusion under the

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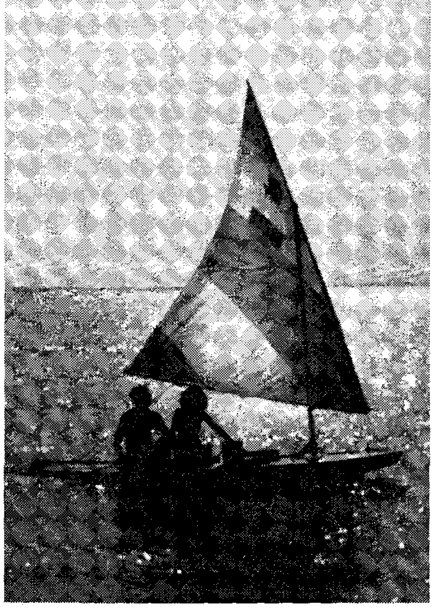

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Fifth Amendment, and observed that if the right to privacy was, as the Court had long agreed, "basic to a free society," then the inadmissibility of evidence obtained by way of unconstitutional searches and seizures was as binding on the states as was the Fifth Amendment's sanction against the use of involuntary self-incrimination. "This Court has not hesitated to enforce as strictly against the states as it does against the federal government . . . the right not to be convicted by use of a coerced confession," he said. Just about everything that could be wrong with this argument was wrong. To begin with, the Fifth Amendment explicitly states, "No person shall . . . be compelled in any criminal case to be a witness against himself," but the Fourth Amendment contains no such specific prohibitions; if it did, there wouldn't be any dispute over the nature of the exclusionary rule. And, for another thing, the Court had not only hesitated to apply the Fifth Amendment to the states but had ceaselessly dodged that issue for a quarter of a century, and, in fact, it did not make the injunction against involuntary self-incrimination binding on the states until three years *after* Clark spoke in Mapp. Then, too, Clark's persistently opaque writing in the opinion—for instance, "The right to privacy, when conceded operatively enforceable against the states, was not susceptible of destruction by avulsion of the sanction upon which its protection and enjoyment had always been deemed dependent under the Boyd, Weeks, and Silverthorne cases"—makes it difficult to take the opinion very seriously. Above all, though, Clark's insistence that exclusion *was* intrinsic to the Fourth Amendment was undermined by his own key statement on the issue, that exclusion is a "command which this Court has held to be a clear, specific, and constitutionally required—even if judicially implied—deterrent safeguard without insistence upon which the Fourth Amendment would have been reduced to 'a form of words.' " By stating that exclusion was "judicially implied," he gave crucial support to critics who could now insist, and have insisted ever since Mapp was handed down, that exclusion is what they like to call a "judge-made remedy," and that it can be dispensed with by subsequent Court rulings or by order of Congress. And by stating that exclusion is a "deterrent safeguard" he gave further crucial support to the same critics, who could go on arguing, as they long had been and still are, that

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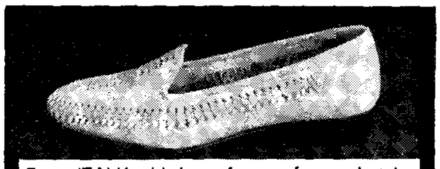

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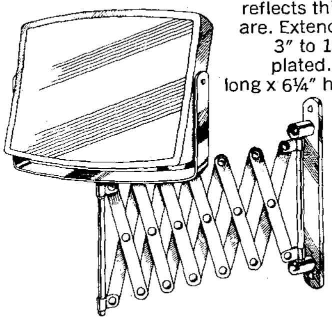

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however worthy such deterrence might be it is incidental rather than fundamental to the Constitution. In sum, while Clark stated that Mapp was designed "to close the only courtroom door remaining open to evidence secured by official lawlessness" in violation of Fourth Amendment rights, his opinion actually opened the door further, to allow room for other justices to disagree by applying their own biases and rationalizations—a process that has harshly but correctly been called "judicial perjury."

Although the authors of the Fourth Amendment demanded that warrants be specific enough to avoid the evils of writs of assistance and general warrants, over the past half century or so the Supreme Court has devoted most of the attention that it has paid to the subject to formulating ways in which the police can conduct searches with no warrants at all. "From a historical standpoint," Professor Telford Taylor, of the Columbia Law School, has observed, the Court has "stood the Fourth Amendment on its head." In doing so, the Court has ignored both the intent of the Framers and the letter of the law. What makes this additional failure by the Court so important is a "staggering fact" pointed out by Professor Leonard W. Levy: "An overwhelming majority of police searches, at least ninety per cent of those that come to the attention of courts, are warrantless." (For example, between 1929 and 1961, only two search warrants were issued by the Minneapolis Police Department, while tens of thousands of suspects were searched.) As Levy goes on to describe the exceptions to the warrant requirement in the Fourth Amendment that have been approved by the Supreme Court, the police can search a person or a place without getting prior approval from a magistrate (the usual procedure to show that due process of law has been fully observed) if the search follows a lawful arrest or is carried out "under emergency conditions." When the police make arrests, they are empowered to search suspects and their immediate surroundings in order to protect themselves from attack with concealed weapons and to prevent evidence from being destroyed. If evidence may be lost unless the police act swiftly, they also do not have to have a warrant to make a search. Further, when they are, as the Court has put it, in "hot pursuit" of a suspect, they need no warrant, and when a suspect is in or near a vehicle that can be driven off with evidence of a crime, that, too, can

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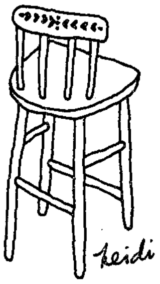
be searched without a warrant. And the police can stop and frisk anybody on the street as long as they have "articulable suspicion"—not probable cause—to believe that a crime has been or is about to be committed. In a recent Burger Court decision, anyone who is stopped for a traffic violation, however minor, can be searched, together with the car, and any evidence of any kind of crime that is discovered can be used in court. The chief restriction upon searches and seizures is that they usually must be made at the time of an arrest, and an arrest—a seizure of the person under the Fourth Amendment—cannot be carried out unless there is "probable cause" to believe that the suspect has committed, is committing, or is about to commit a crime. But this restriction is fairly easy to get around, for all the police have to do, in many cases, is wait until the suspect goes to a place where they believe there is evidence of his criminal behavior before arresting him and then search the immediate surroundings.

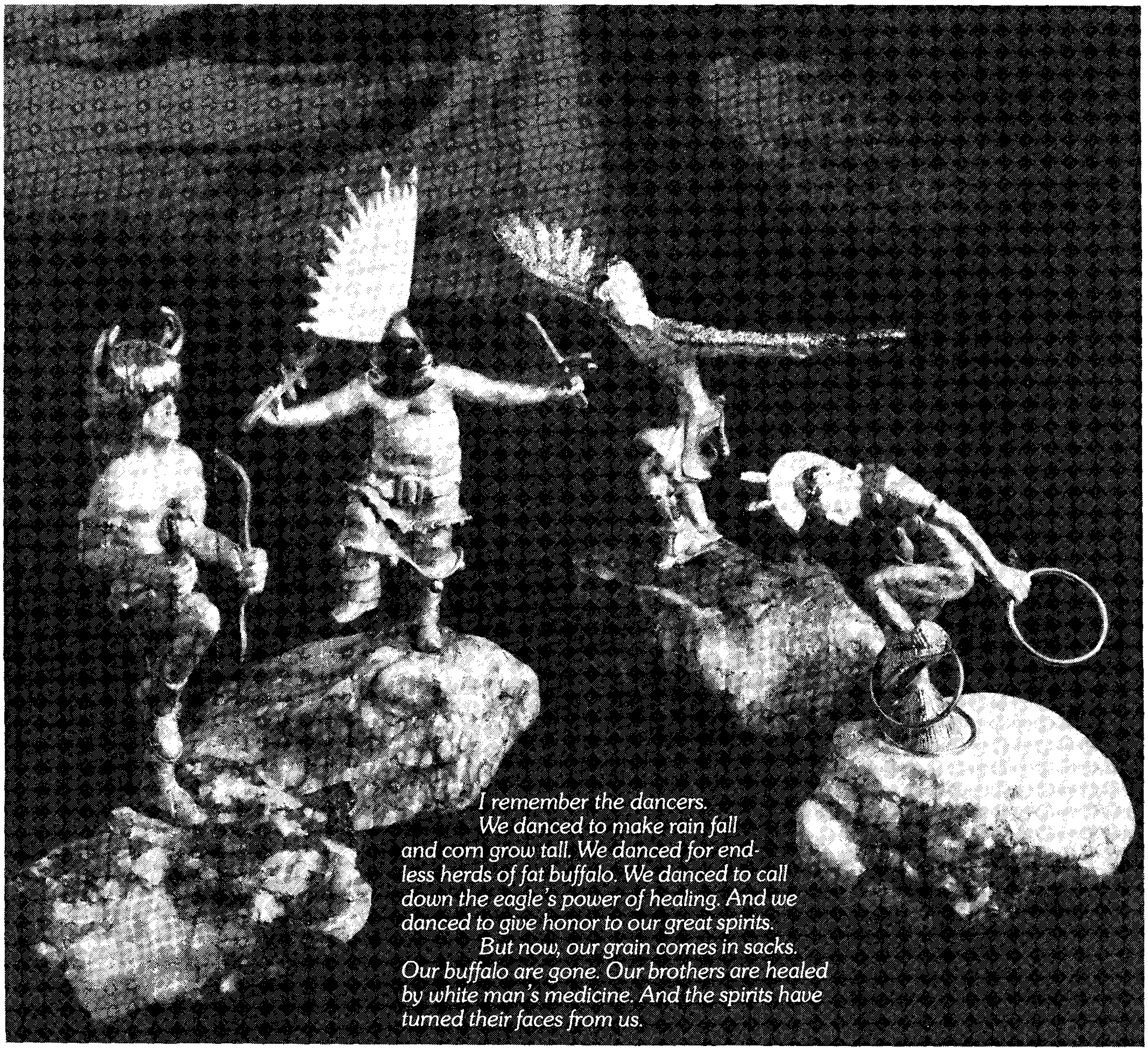
To a great degree, the Supreme Court has gradually undermined the strictures of the Fourth Amendment by repeatedly ruling that what clearly seem to be illegal searches are in fact not searches at all. According to Burt Neuborne, a professor of constitutional law at New York University, "There is a corrosive effect on the Fourth Amendment in general precisely because exclusion makes the amendment an important right for the individual to assert against the government. The result is that the government—in this instance, the Supreme Court—feels pressed to construe the word 'searches' in the Fourth as narrowly as possible in order to maintain the authorities' right to search and seize more or less as they want to. Taft showed the Court how to do this in Olmstead by holding that wiretapping—obviously a search and seizure, as the Court finally admitted after forty years—was not a search or seizure at all. Nowadays, the question is posed again and again: 'What is a search and seizure?' And the government more and more often answers that searches aren't really searches, so that the exclusionary rule can't be used. Of course, this kind of judicial conduct immensely increases the already immense number of warrantless searches being made."



If the fact that ninety per cent of all searches that come to the attention of the courts are undertaken without warrants is as staggering as Levy feels, so is the fact that, as he points out, ninety per cent of all these arrests that precede such searches never lead to trials. No more than ten per cent of all criminal cases in this country go to trial. The rest are settled by means of guilty pleas or dismissal, and in none of these cases does the exclusionary rule come into use at all, since it is entirely confined to the admission of illegally obtained evidence in court. The most unjust of such cases are those in which the victims are innocent, are released, and can do little about what has happened to them. Often, too, Levy points out, the police search a person or a place illegally in order to harass people they suspect of being criminals or people they simply don't like. In such cases, the search, even if it is preceded by an arrest to make it appear legal, rarely ends up being considered by any court. Searches of this kind are used, Levy says, for a "punitive end," and again the exclusionary rule never comes into play. Another common police tactic is the use of perjured testimony in court to justify what was actually an illegal search—as, for instance, when a policeman stops a suspect on the street, searches him merely because he looks suspicious, finds evidence of a crime, and then claims in court that the defendant happened to drop the evidence on the sidewalk just as he was passing, which provided probable cause to believe that a crime had been committed and the legal right to arrest the suspect and confiscate the evidence. In the end, Levy concludes, "by any reckoning the exclusionary rule applies to a trivial fraction of all prosecutions."

Despite the limited use of exclusion, it is under heavy and mounting attack. The most prominent of its critics is Chief Justice Burger, who bitterly assailed the rule in a recent case that had nothing to do with the issue. Ten years ago, half a dozen agents from the Federal Bureau of Narcotics entered the apartment of a man named Webster Bivens and, although they had neither a warrant nor probable cause to believe that he had committed a crime, arrested and manacled him in front of his wife and children, searched his apartment for narcotics, and after finding no evidence of any wrongdoing took him to a federal courthouse, where they forced him to undress and submit to what is known as a "strip search"—that is, a search of the rectum (or, in the case of a woman, a

(Cast figures range in height up to three inches: turquoise nuggets vary in weight and color.)



I remember the dancers.
We danced to make rain fall and corn grow tall. We danced for endless herds of fat buffalo. We danced to call down the eagle's power of healing. And we danced to give honor to our great spirits.
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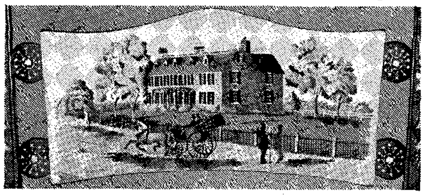

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search of the rectum and the vagina). Again they found nothing, and finally they let Bivens go. As it happened, he was an ex-convict; as it also happened, he was innocent. What Bivens went through is what hundreds, perhaps thousands, of other people go through at the hands of federal and state law-enforcement officers in this country every day. But Bivens decided to fight back, and he sued the agents, charging them with causing him mental anguish, and demanded fifteen thousand dollars in damages from each of them in recompense. A federal district court dismissed the complaint, saying that if the search was lawful the suit had no basis, and that if the search was unlawful the agents were not liable, because they had acted not for the government, which cannot legally authorize unlawful acts, but for themselves, and the Fourth Amendment's protections do not cover private citizens' invasions of each other's privacy. A court of appeals upheld this finding. But the Supreme Court overturned the decision in 1971, and held, by a six-to-three vote, that although there is no federal law making federal officers liable for damages they cause through violations of the Fourth Amendment, the amendment itself implicitly allows damage suits against them when they flout it. If Congress were to take the extremely unlikely step of implementing this decision by way of a law specifying how individuals could collect substantial damages, the ruling could have a great effect, but as it stands now it merely means that an injured person has the same chance of collecting damages in federal courts as he has in state courts—little or none.

Chief Justice Burger, in a lengthy dissent from the Bivens decision, which had nothing to do with the question of excluding evidence, quoted a statement by Benjamin Cardozo that has long been cited by opponents of exclusion—"The criminal is to go free because the constable has blundered"—and then moved on to a 1954 Supreme Court decision that "catalogued the doctrine's defects":

> Rejection of the evidence does nothing to punish the wrong-doing official, while it may, and likely will, release the wrong-doing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects one against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are the victims of illegal but fruitless searches.

Although Burger emphatically stated that he did not question the need for

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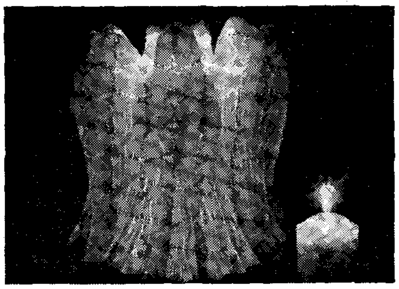

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some kind of "remedy to give meaning and teeth to the constitutional guarantees against unlawful conduct by government officials," he called the hope that the police would be deterred from unlawful searches and seizures by way of exclusion "hardly more than a wistful dream," and added, "Some clear demonstration of the benefits and effectiveness of the exclusionary rule is required to justify it in view of the high price it extracts from society—the release of countless guilty criminals." He could find no justification. First of all, he said, the rule applied no sanction against the offending policeman but struck instead at the prosecutor, who ordinarily has nothing to do with police behavior. Nor, Burger went on, could judicial exclusion of illegally obtained evidence have much effect on police officers, because they "do not have the time, inclination, or training to read and grasp the nuances of the appellate opinions that ultimately define the standards of conduct they are to follow," and because the ordinary delay—often several years—between the time a policeman commits an unlawful act and the time an appellate court announces that it was unlawful reduces "the presumed educational effect" to the point where "it would be surprising if he ever becomes aware of the final result." And since many illegal searches, like the one in Bivens, do not result in prosecution, the rule fails when it is most needed. In passing, the Chief Justice stated, "Suppressing unchallenged truth has set guilty criminals free but demonstrably has neither deterred deliberate violations of the Fourth Amendment nor decreased those errors in judgment that will inevitably occur given the pressures inherent in police work having to do with serious crimes."

Commenting on Burger's attack on exclusion, Professor Levy said recently, "If the rule does not in fact deter the police and is a failure, hard-liners on law and order, like Burger, would let sleeping dogmas lie. The rule deters not the police but the conviction of the guilty. That is the real reason that the rule is under heavy fire." That might seem like a fairly sound reason, but, Levy went on, there is no alternative to the rule, and until one is found it must be retained if only for its "great symbolic value." Professor Amsterdam, on the other hand, felt that critics like Burger approached the subject of "deterrence" with a misconceived premise. "It suggests that the police have a God-given inclination to commit unconstitutional searches and seizures unless

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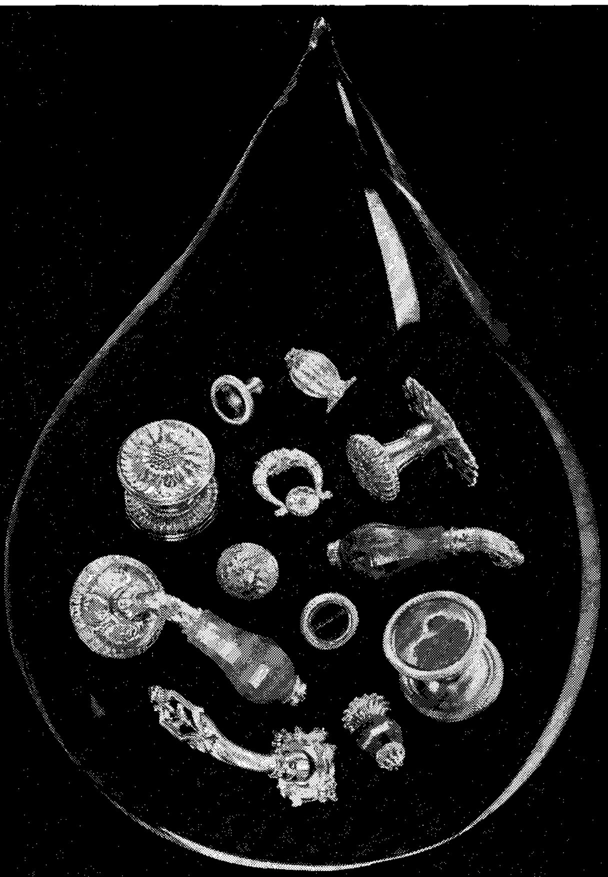
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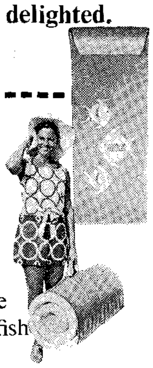

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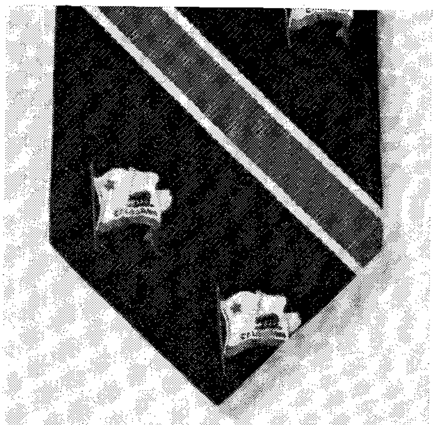
they are 'deterred' from that behavior," he said in the course of a recent lecture. "Once this assumption is indulged, it is easy enough to criticize the rule excluding unconstitutionally obtained evidence on the ground that it 'does not apply any direct sanction to the individual officer whose illegal conduct results in the exclusion,' and so cannot 'deter' him. But no one, to my knowledge, has ever urged that the exclusionary rule is supportable on this principle of 'deterrence.' It is not supposed to 'deter' in the fashion of the law of larceny, for example, by threatening punishment to him who steals a television set—a theory of deterrence, by the way, whose lack of empirical justification makes the exclusionary rule look as solid by comparison as the law of gravity." In Amsterdam's view, the "deterrent" effect of the rule was to be found in the "restraints" it imposed, even if largely ineffective, because they at least gave some meaning to the Fourth Amendment. This point has probably been made most cogently by another scholar, Dallin Oaks, who wrote, a few years ago:

> If constitutional rights are to be anything more than pious pronouncements, then some measurable consequence must be attached to their violation. It would be intolerable if the guarantee against unreasonable search and seizure could be violated without practical consequence. It is likewise imperative to have a practical procedure by which courts can review alleged violations of constitutional rights and articulate the meaning of those rights. The advantage of the exclusionary rule—entirely apart from any direct deterrent effect—is that it provides an occasion for judicial review, and it gives credibility to the constitutional guarantees. By demonstrating that society will attach serious consequences to the violation of constitutional rights, the exclusionary rule invokes and magnifies the moral and educative force of the law.

As worthy as all these arguments are, they miss a major point implicit in the arguments put forth by critics of exclusion. That point was made startlingly explicit by Chief Justice Burger in his Bivens dissent. If it is true, as he contends, that the police cannot grasp the meaning of appellate-court decisions, then they cannot enforce the law. And if it is true, as he also contends, that they cannot be educated to see the meaning and purpose of the law, then more control, not less, should be imposed over them.

EARLY in 1974, the Supreme Court handed down its decision in the case of United States v. Calandra. The issue was whether evidence



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acquired through illegal search and seizure could be presented before grand juries. By a six-to-three vote, the Burger Court ruled that it could be. Justice Lewis F. Powell, who delivered the Court's opinion, declared that the exclusionary rule's "prime purpose is to deter future unlawful police conduct and thereby effectuate the guarantee of the Fourth Amendment against unreasonable search and seizures," and that "the rule is a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved." Powell—relying at a critical point on Clark's opinion in Mapp—explained that forbidding the use of unlawfully seized evidence before grand juries would not "significantly" deter the police from indulging in unlawful searches and would "delay and disrupt grand jury proceedings," and would "unduly interfere with the effective and expeditious discharge of the grand jury's duties." Of course, there is no appreciable difference in effect whether evidence sought illegally is for use in court or for use before a grand jury. And, of course, delay is an inevitable result of scrupulous fairness under the law. The Bill of Rights, it might be added, was not written to make life easier for policemen and prosecutors.

Justice Brennan, who wrote the minority opinion for himself and Justices William O. Douglas and Thurgood Marshall, found the decision a "grievous error" and "a startling misconception, unless it is a purposeful rejection of the historical objective and purpose of the rule." He explained that deterrence was, at best, "a hoped-for effect of the exclusionary rule, not its ultimate objective," and added, "Indeed, there is no evidence that the possible deterrent effect of the rule was given any attention by the judges chiefly responsible for its formulation. Their concern as guardians of the Bill of Rights was to fashion an enforcement tool to give content and meaning to the Fourth Amendment's guarantees." The effect of the decision in Calandra, Justice Brennan continued, was to ignore the purpose of the Mapp decision and to overrule Silverthorne without saying so, for now the Court had repudiated Holmes's famous command there: "The essence of a provision forbidding the acquisition of evidence in a certain way is that not merely evidence so acquired shall not be used before the court, but that it shall not be used at all." Then Brennan said, "I

GENESIS XLIII 11. And their father Israel said unto them, If it must be so now, do this; take the best fruits in the land in your vessels, and carry down the man a present, a little balm, and a little honey, spices, myrrh, nuts and almonds:

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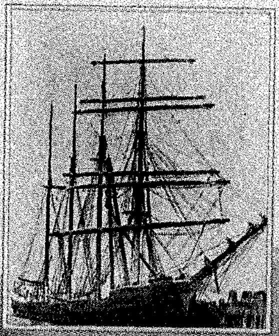

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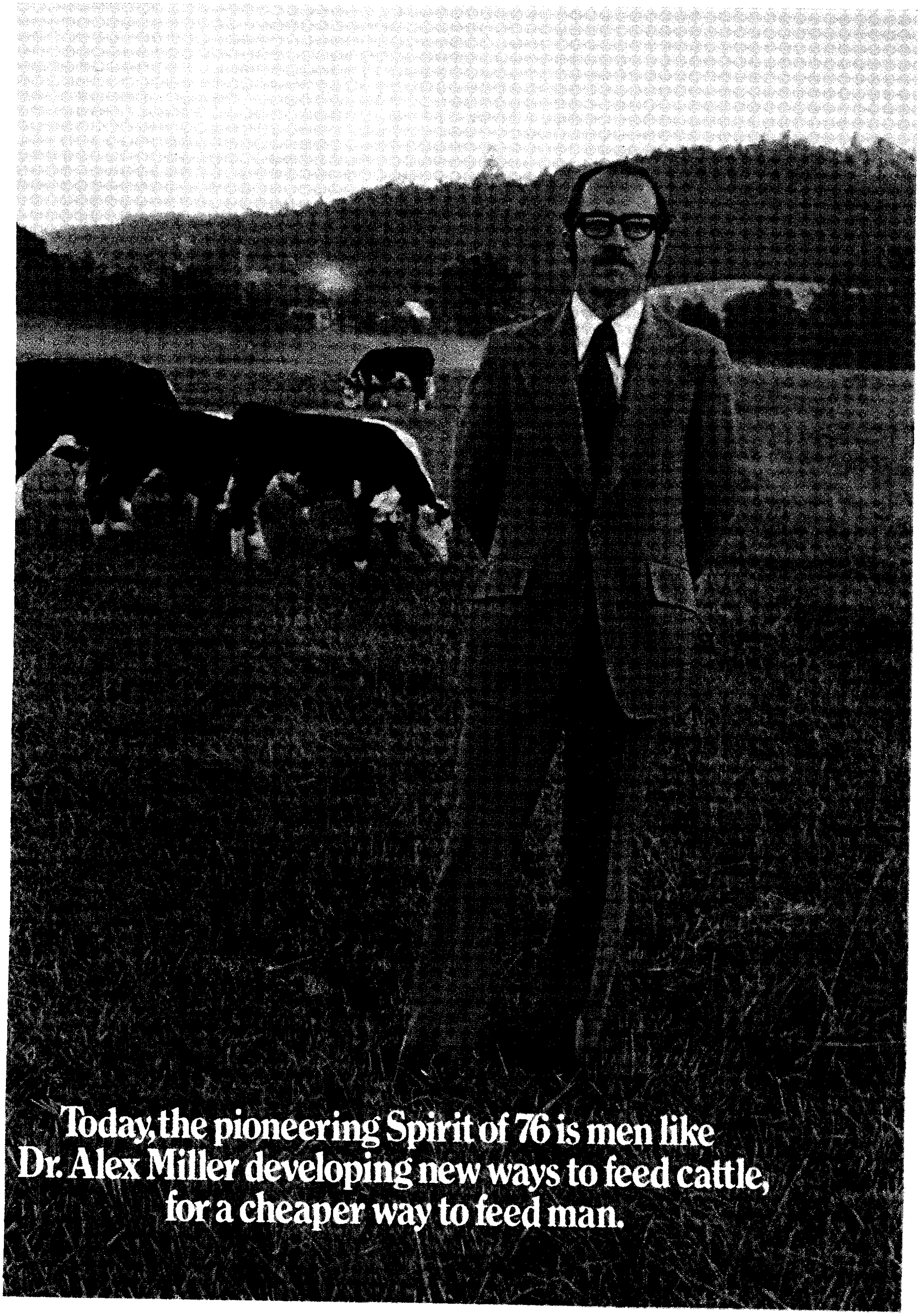
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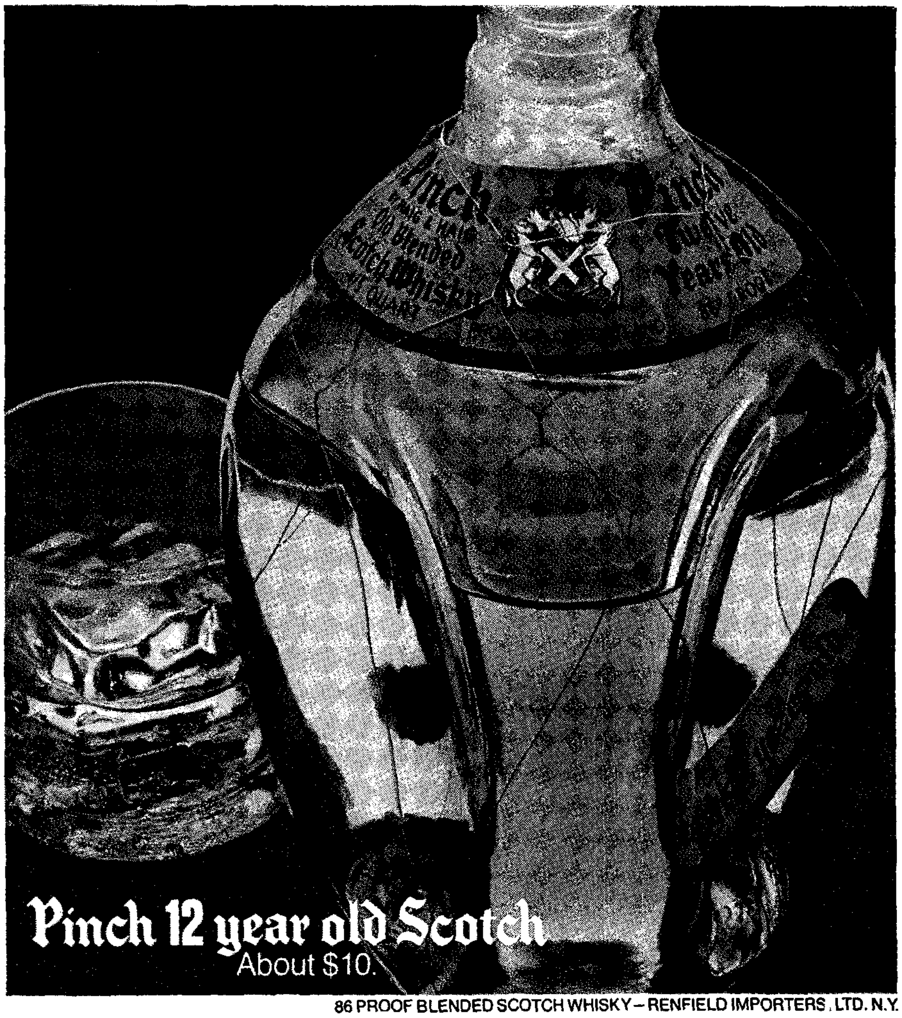

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am left with the uneasy feeling that today's decision may signal that a majority of my colleagues have positioned themselves to . . . abandon altogether the exclusionary rule in search and seizure cases. . . . Unless we are to shut our eyes to the evidence that crosses our desks every day, we must concede that official lawlessness has not abated and that no empirical data distinguishes trials from grand jury proceedings. I thus fear that when next we confront a case of a conviction rested on illegally seized evidence, today's decision will be invoked to sustain the conclusion in that case also that 'it is unrealistic to assume' that application of the rule at trial would 'significantly further' the goal of deterrence." In that event, of course, the Fourth Amendment would be abandoned, too.

The concept of "judicial integrity"—that is, public confidence in the courts—is often cited in defense of the exclusionary rule. But its critics, including Chief Justice Burger, have argued that when clearly guilty defendants are released by judges because clear proof of guilt is excluded during their trials, public respect for the courts is scarcely heightened. In Calandra, Brennan cited one statement after another made by the Supreme Court over the years about the imperative need for preserving the people's regard for their institutions of justice. Powell dismissed Brennan's point in a brief final footnote. "There is no basis for this alarum," he said. "Illegal conduct is hardly sanctioned, nor are the foundations of the Republic imperiled by declining to make an unprecedented extension of the exclusionary rule to grand jury proceedings where the rule's objectives would not be effectively served and where other important and historic values would be unduly prejudiced." This kind of pro-state bias has apparently never been shaken by the most famous statement on the subject of the people's trust in their government's decency—in Justice Brandeis's dissent in the Olmstead case against allowing evidence obtained by illegal wiretapping to be used in court:

> To prove its case, the government was obliged to lay bare the crimes committed by its officers on its behalf. A federal court should not permit such a prosecution to continue. . . . When these unlawful acts were committed, they were crimes only of the officers individually. The government was innocent, in legal contemplation, for no federal official is authorized to commit a crime on its behalf. When the government, having full knowledge, sought, through the Department of Justice, to avail itself of the fruits of these acts in order to accom-

plish its own ends, it assumed moral responsibility for the officers' crimes.... And if this Court should permit the government, by means of its officers' crimes, to effect its purpose of punishing the defendants, there would seem to be present all the elements of a ratification. If so, the government itself would become a lawbreaker.... Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution.

ALTHOUGH the Constitution does not contain the word "privacy," it is generally accepted today, on the Supreme Court and off, that the basic purpose of the Fourth Amendment is to secure individual privacy against arbitrary intrusions by government—in Otis's words, against the "power that places the liberty of every man in the hands of every petty officer." In other areas, the Court has taken some remarkably long strides, considering its generally statist character, to protect individual freedom. Among these are its decisions over the past decade ruling that individual privacy is unconstitutionally violated by state laws against the use of contraceptives by married couples, by state laws limiting the freedom to read whatever one wants to read within the confines of one's home, and by state laws against a woman's freedom to control her own body by aborting an unwanted fetus. But the Supreme Court's persisting failure to protect us against capricious and unjust acts of the police could ultimately destroy personal liberty in America. The pressures of our "mass society," the reach that modern surveillance techniques can extend into the most intimate corners of our lives, the increasing demand for legal and illegal shortcuts that would enlarge the freedom of the police to do what they want in the name of "crime control," the mounting danger that at a time of economic or political crisis a demagogue might rise and be followed, and, above all, the immense and overweening power of government on every level—all these require that the police power in this nation be

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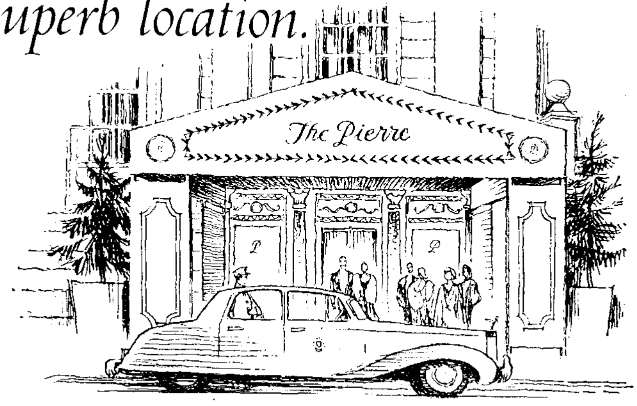

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strictly limited if the individual is to be free. As matters stand, Amsterdam has pointed out, our privacy and liberty are today "enjoyable only at the sufferance of expanding, militaristically organized bodies of professional police," who cannot be held in check unless "an independent judiciary plays a direct, strong role in their regulation."

While the Framers accepted the need for a strong central government, they also feared what it might do to individual liberty. One of their most specific fears was of military power, which they had suffered from so painfully under British rule, and in the Constitution they diffused that power by making the President the commander-in-chief of the armed forces and then giving Congress the authority to provide for the common defense, to declare war, to make rules for the land and naval forces, to raise and support armies, and to appropriate funds (for no more than two years at a time) to pay for military expenses. These were fairly stringent safeguards against military usurpation of civilian government, but they did not fully satisfy the people, who were unwilling to ratify the Constitution without further protections. A bill of rights was promised them, and in the Second and Third Amendments additional barricades against the military were set up—guarantees that there would be a decentralized militia, that the people had the right to keep and bear arms, and that troops could not be quartered in any private house in peacetime without the owner's consent. Fear of the military was amply justified by history, but there was no comparable fear of today's supplement to military force—the police—because there were no police in any organized sense. Most communities had no more protection than paid day and night watchmen or public-spirited citizens who took turns patrolling the streets at night. In New York, where Congress was sitting when it approved the Bill of Rights, there were only night watchmen until 1845, when the first police force was organized. Of course, the Framers couldn't guard the new Republic against something that didn't exist. But the Supreme Court could—simply by strictly enforcing the Bill of Rights. Given the reluctance of legislatures to impose any but the mildest limits upon the nation's police, there is no other source of control over them besides judicial power, judicial right, and judicial duty.

The Supreme Court's failure to control the police could not be illustrated more fully than by its timidity and vacillation over the issue of excluding from court all evidence acquired through illegal searches and seizures. The exceedingly modest nature of exclusion and the exceedingly limited use of it would lead one to expect that the Supreme Court would try to expand, not contract, it, since courts have no other effective means of enforcing the Fourth Amendment's right to privacy. In Mapp, Justice Clark quoted Cardozo's statement that often "the criminal is to go free because the constable has blundered," but Clark added, "The criminal goes free, if he must, but it is the law that sets him free." The point is the only notable one made in Mapp, and it goes to the heart of the issue, for under our legal system guilty men must often escape punishment so that the innocent may, too. To rid our lawbooks of the exclusionary rule would be to wipe out the Fourth Amendment and the protection, however meagre, that it gives to our shrinking privacy. The right to be secure in one's person and possessions cannot be assured as the law now stands, because the police can invade both at will without much fear of punishment. The only security a citizen has is that the fruits of the invasion cannot be used to prosecute him. That is something, at least, for while the police are not deterred by exclusion from rummaging in one's private papers and possessions, they can be prevented from disclosing, publicly in open court, what they rummaged through.

To most of us, the dangers of the policeman's freedom to destroy our freedom may not seem very great, and it isn't—at least, not today. But it is rashly indulgent not to raise barriers, as the Framers tried to, against future tyranny, especially when all the tools are ready at hand. "When I myself look back into that variegated political landscape which no observer can avoid suffusing with the color of his own concerns, the hues that gleam most keenly to my eye are the hues of an intense sense of danger of oppression of the individual," Amsterdam said recently. "I find that sense of danger all the more striking because so many of us in this country today have lost it. It is largely left to 'those accused of crime' and to the dwellers of the ghettos and the barrios of this land to view the policeman as 'an occupying soldier in a bitterly hostile country.'. . . But the authors of the Bill of Rights had known oppressive government. I believe they meant to erect every safeguard against it. I believe they meant

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to guarantee to their survivors the right to live as free from every interference of government agents as our condition would permit."

To statists like Chief Justice Burger, who believe that the state is benign and must be given greater and greater powers to protect itself against its more rebellious and destructive citizens, it is order and security, not individuality and liberty, that count most. But their belief and trust in government as a force for good is as dangerous as it is misguided, for, Justice Brandeis warned, "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Jefferson warned that "the natural progress of things is for liberty to yield and government to gain ground." In "Privacy and Freedom," Professor Alan F. Westin, of Columbia University, considers the "process of surveillance by authorities to enforce the rules and taboos of the society" to be universal. The only differences among various kinds of societies in this regard is one of degree. In totalitarian states, he explains, "autonomous units are denied privacy, traditional confidential relationships are destroyed, surveillance systems and informers are widely installed, and thorough dossiers are compiled on millions of citizens"—that is, all individuality is destroyed. And he goes on to say that while "American individualism—with its stress on unique personality in religion, politics, and law—provides a major force for privacy in the United States," there are still strong pressures against privacy here, too. Among them are middle-class morality, xenophobia, religious and racial prejudice, isolationism, puritanism, and the often overwhelming force of the demands for conformity. Social pressures against personal freedom are destructive enough, but when added to them is the relentless and often malevolent use of state power—by the police to break into and ransack the homes of citizens or to stop and search people on the streets at will, by such government offices as the Federal Bureau of Investigation and the Central Intelligence Agency to listen in on their most intimate communications and follow all their moves—the prospects of freedom look bleak. And the prospects are far bleaker when the

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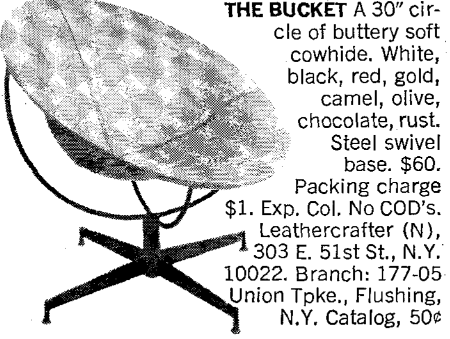

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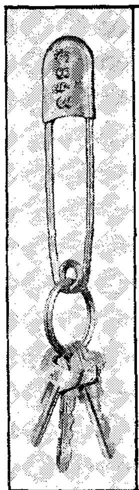

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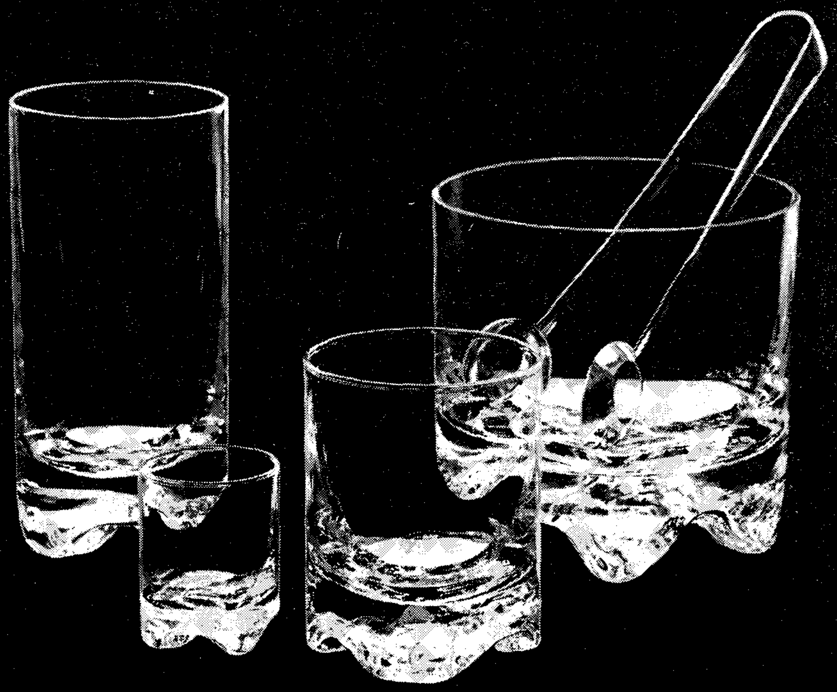
state, even a democratic state such as ours, has leaders who instinctively favor order over liberty; legislators like Jefferson's "timid men," who "prefer the calm of despotism to the boisterous sea of liberty;" and judges who so often protect the interests of the state over the needs and rights of its citizens.

Once again, Justice Brandeis made the point better than anyone else:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment.

It has been nearly half a century since Brandeis made this statement, and in that time the dangers he saw have been immensely magnified. But the gravest danger of all posed by official violations of our right to privacy is still the threat to freedom of thought. The freedom to think lies at the heart of all freedom, and as privacy shrinks so must thought. Once we fear that the expression of our thoughts—our spoken and written words—can be seized at any moment, even illegally, by local police or federal agents, we are bound to become more cautious about what we say or write. And if this fear persists and grows, our willingness to express anything but the most orthodox thoughts will diminish to such a degree that finally the spirit of thought will be lost to us altogether. That will mean the end of freedom, for without thought there is no individuality, and without individuality there is no democracy.

THE subpoenas drawn up by the Senate Permanent Subcommittee on Investigations on October 16, 1967, under the personal instructions of Chairman John L. McClellan, were identical except for the names on them—Margaret and Alan McSurely, whose papers, books, and letters had been confiscated by the State of Kentucky in August, 1967, to support a charge of sedition against them for their work in trying to organize the poor in Appalachia to fight for their



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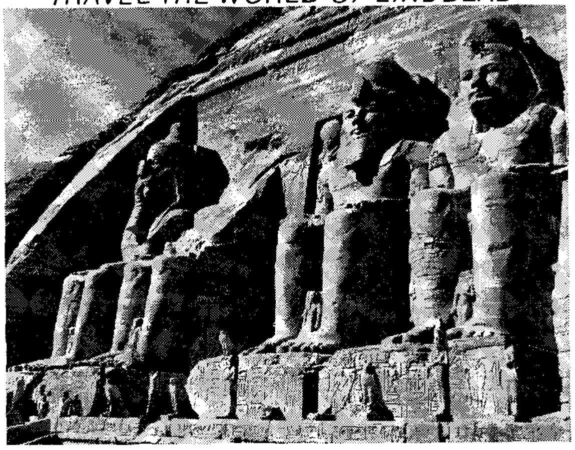

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rights, and Commonwealth Attorney Thomas Ratliff, who had led the raiding party that arrested the McSurelys and searched and seized their belongings under a general warrant, and who was custodian of the seized materials by order of a federal court. Ratliff was served first, and this was done, in the opinion of the lawyers for the McSurelys, to give the government a chance to get their papers before they knew of this move. The Senate subpoenas ordered that the subjects turn over to the subcommittee "all books, records, correspondence, documents, and other papers" relating to any activities of just about every sizable left-wing political organization in the country. The McSurelys, who had been active in the civil-rights struggle of the early and middle sixties and were beginning to get involved in the anti-Vietnam-war movement, had been connected, directly or indirectly, with most of the outfits named in the subpoena. Senator McClellan was well aware of this fact, because one of his investigators had gone to Kentucky a few days before the subpoenas were issued, had secretly examined the McSurelys' papers (which were supposed to be locked up in the Pike County Courthouse) with Ratliff's coöperation, and had returned to Washington with photocopies of two hundred and thirty-four of them, including an exceedingly intimate diary of Mrs. McSurely's and several letters from Drew Pearson, the columnist, who had been her lover for a couple of years when she was his personal assistant, in the early nineteen-sixties. Pearson, as it happened, was also the country's most vigorous critic of McClellan, and had repeatedly attacked him in print for some apparent conflicts of interest between his position as a powerful senator and his alleged protection of numerous businesses in which he had financial holdings. Ratliff, it was widely charged, had instigated the raid on the McSurelys for two purposes: to brand their activities as Communist subversion and thereby destroy the anti-poverty program they worked in, which was increasingly threatening his and his friends' freedom to manage the coal business in Kentucky as they pleased; and to get publicity for his campaign for the state's lieutenant governorship. McClellan's aim, it was even more widely charged, was similar but far more ambitious: to demonstrate that the civil-rights and anti-poverty movements throughout the nation were directed and largely manned by subversives, like the Mc-

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Surelys, who were influenced or dominated by Communists, and to silence Pearson. To accomplish the first of these ends, McClellan was soon to chair an extensive series of hearings on the riots that had swept through scores of black slums that year; even before he received this assignment from the Senate, he announced that the war on poverty was riddled with subversion.

When John Brick, the staff investigator from McClellan's subcommittee who had examined the McSurelys' papers, served them with the subpoenas, in mid-October, he told them that the Senate wanted only their papers, not them in person. Since there was no date on the subpoenas for any appearance before the subcommittee, the McSurelys soon concluded that McClellan's intention was to let Ratliff boost his political race by personally bringing the documents to the subcommittee's first hearing—on a fairly modest riot that had broken out in Nashville a day after Stokely Carmichael, the head of the Student Nonviolent Coordinating Committee, had spoken there at a civil-rights meeting, which the McSurelys had attended, in April of that year. The hearings were to begin on November 1st, only a few days before the Kentucky election. "Everyone was frantically trying to accomplish his own ends," McSurely said afterward. "There was Pearson in Washington trying desperately to keep our sedition case out of the local courts in Kentucky, so that his love letters wouldn't be spread out for all to see, and then hoping desperately, though he never approached Margaret about this, that we wouldn't let McClellan have our papers. The law says that once you testify on any subject, you have to tell everything you know about it, so if Margaret had gone before the subcommittee and answered any questions about any letters, she would have had to answer questions about the Pearson letters, which could have been dragged in under some pretext, and that would have given McClellan a chance to put them in the public record. Ratliff was trying desperately to get publicity just before the election as the scourge of Communists in Kentucky. A federal judge who was active in both our case and the Democratic Party in Kentucky was trying desperately to stop Ratliff from winning the election by making him look a fool in this business. McClellan was trying desperately to get Pearson and us. And we were trying desperately to hold ourselves together and fight back."

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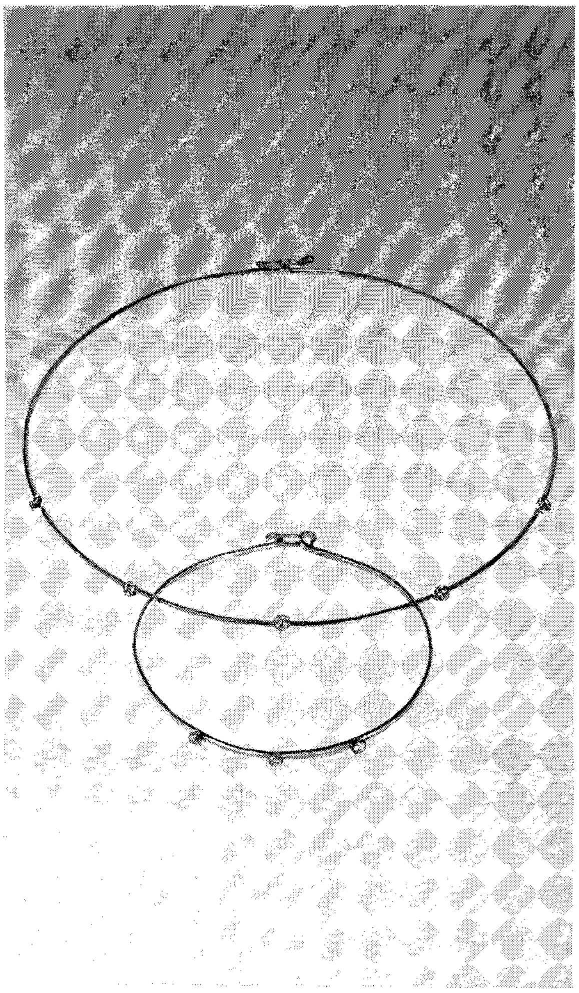

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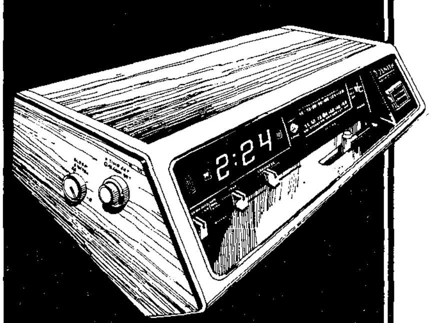

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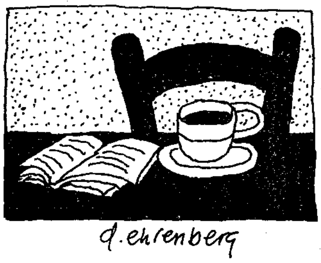
served with the subpoenas, early on the morning of October 18, 1967, they telephoned their lawyer to tell him what had happened, and asked him to take whatever steps were necessary to get their property back and to keep it out of McClellan's hands. That afternoon, the lawyer filed two motions in the federal district court, in Lexington, one asking the court to temporarily restrain Ratliff from turning the materials over to the Senate, and the other asking that the McSurelys' possessions be returned to them at once. On October 30th, the district court denied both motions and later gave the McSurelys twenty-four hours to make an emergency appeal to the Supreme Court. They did, and charged that the subpoenas "constitute an unreasonable search and seizure" and "are in language as broad as the traditional writs of assistance." On November 10th, Justice Potter Stewart, who was responsible for the Sixth Judicial Circuit, which includes Kentucky, ruled that the documents should remain in custody until a three-judge panel of the district court in Lexington could consider the McSurelys' objections to the subpoenas. On December 5th, a hearing was held before the panel. A lawyer from the Department of Justice who represented McClellan and the subcommittee ignored the Fourth Amendment altogether and told the court that "this Senate committee has bent over backward in trying to be as scrupulous as it can be about the rights of these plaintiffs" and "has never attempted to be in any way surreptitious." He presented an affidavit from Senator McClellan saying that the subpoenas were justified on the basis of what had been uncovered during his hearings on the Nashville riot. The McSurelys' lawyer then asked how it was possible to justify subpoenas issued on October 16th by way of hearings that began on November 1st. Eight days after the three-judge panel met, it overruled the McSurelys' objections without explanation, and ordered Ratliff to turn the documents over to the subcommittee. This time, the court gave the McSurelys five days for another appeal to the Supreme Court. Once again they filed an appeal there, and on January 29, 1968, some six weeks later, the Court granted them a stay, pending its study of the issue, and asked both sides for briefs on it. Then, after studying the matter, the Court dismissed the McSurelys' appeal on March 18th, on the ground that the Court lacked jurisdiction, which properly lay with the Sixth Circuit Court of Appeals, and gave them thirty days in which to appeal their case to that court. They did, and finally, on July 29th, the Sixth Circuit Court ruled that the district court had erred in not giving the McSurelys' papers back to them, and ordered this done, but added, "without prejudice to the right of the Senate committee to proceed with the enforcement of the subpoenas against Mr. and Mrs. McSurely." On October 23rd, the district court ordered Ratliff to return the confiscated materials to them at 2 P.M. on November 8th.

Promptly at the designated hour, Pike County officials returned the McSurelys' possessions to them at the courthouse. As they were loading their things (which had taken up a third of a sizable jail cell) in their Volkswagen bus, John Brick, the subcommittee investigator, came up to give them the photocopies he had obtained of certain documents. He handed McSurely an inventory of the copies, and began returning them one by one. "Brick had a silly little grin on his face as he talked," McSurely recounted. "As he handed me love letters of my wife's that he had taken and spread around the Senate, he would giggle and say, 'Now, here's a letter from Drew Pearson to Margaret which says, "Dearest Cucumber," ' and he would say, 'Mark that off.' And then he would hand me another one and he would say, 'Here's another letter from Drew. What do you think of this one?' Then he would giggle again. Margaret was so embarrassed that she walked off to get away from it. She had told me about her affair with Pearson, but I hadn't known about the letters or her diary until after we got the subpoenas. It made me sick and mad as hell to think of those vicious old men up in Washington pawing over my wife's personal life like that. Anyway, when Brick finally finished handing me all that stuff with his little grin and I had signed the inventory, I walked away. Brick said, 'Now we are going to get these documents back. If you don't give them to us, you are going to be in contempt of Senator McClellan and his committee.' I turned and said to him, 'I am full of contempt for Senator McClellan and his committee.' "



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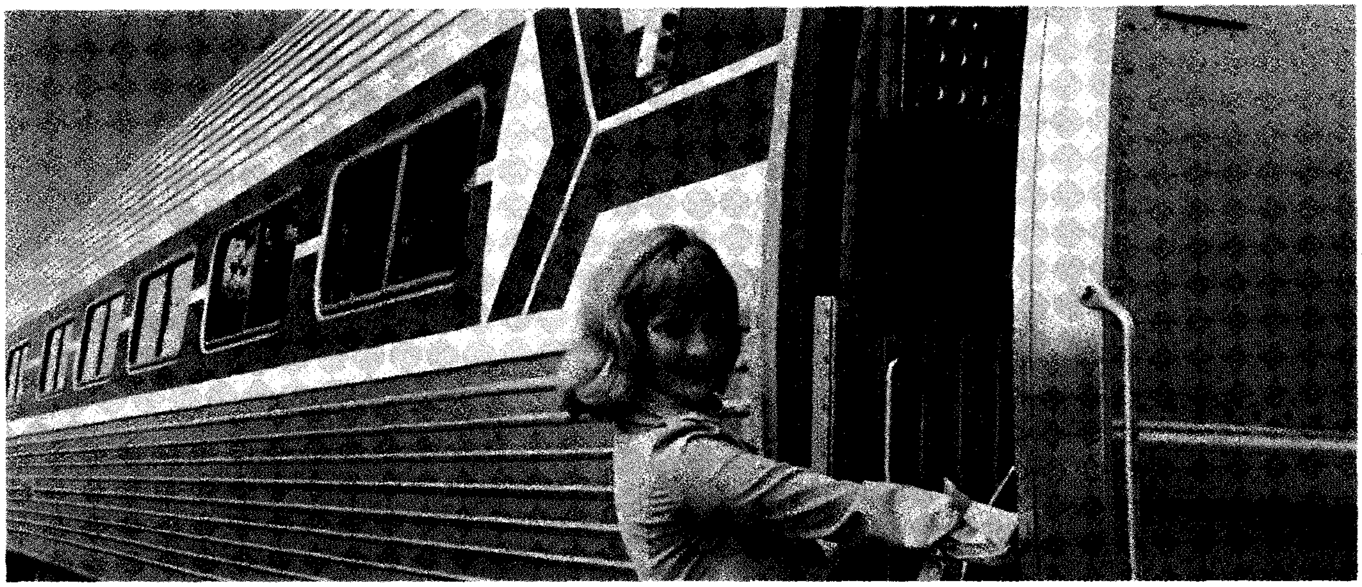

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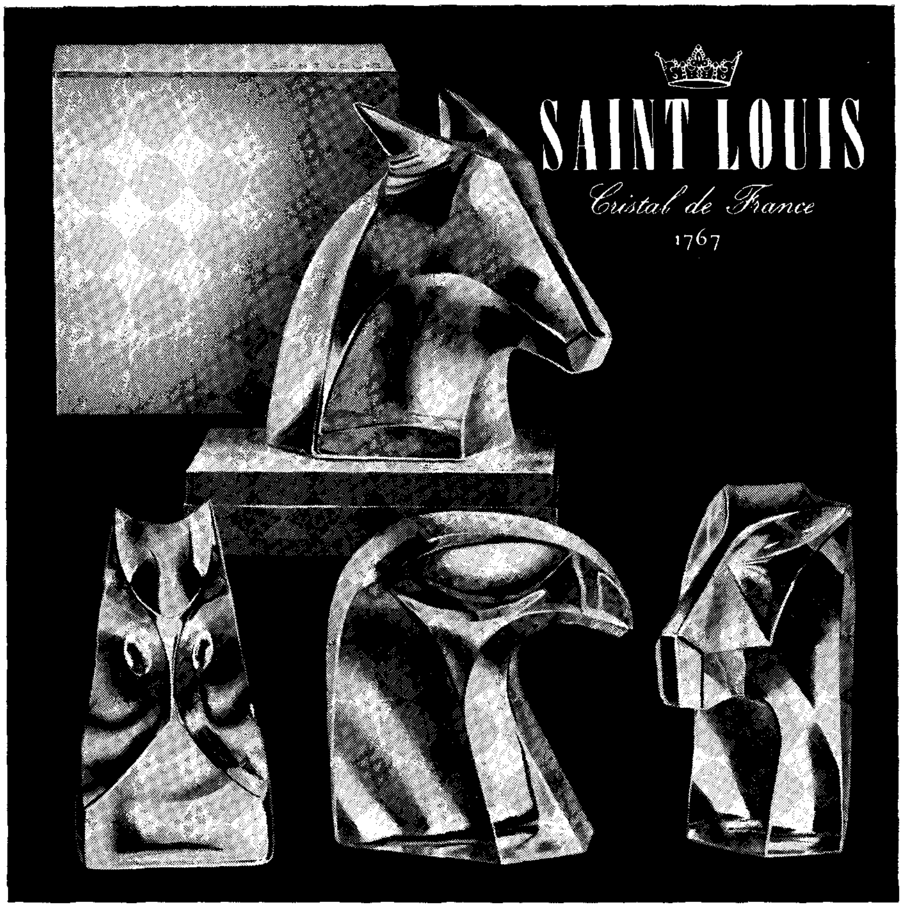
United States marshal served the McSurelys with a new set of subpoenas prepared by the subcommittee. These were much the same as the original ones, except that now the McSurelys were "hereby commanded to appear and attend before the Senate Permanent Subcommittee on Investigations" at a hearing on January 14, 1969, and to bring with them nearly everything that the earlier subpoenas had demanded.

Over the fifteen months that the McSurelys had been embroiled in various court battles—first in local courts after the raid on their house and their arrest, then over the confiscation of their possessions, and finally over the subpoenas—they had tried to maintain some kind of ordinary life. The attempt had not succeeded. McSurely went on trying to organize coal miners to fight black-lung disease, to get local people to start more community efforts to help themselves, and to find leaders among the poor who could persuade them to demand their rights in everything from free school lunches for their children to militant protests against strip-mining the mountains of Kentucky. But the protracted court actions took up much of his time and thought, and made any attempt to live normally almost impossible. At the time, Mrs. McSurely was deeply depressed about their life in the mountains, and was anxious to leave. "I was tired of being a lightning rod for freedom," she said later. When the raid and arrests took place, she was five months pregnant, and the couple's son, Victor Alan McSurely, was born in December, 1967. "I knew we weren't doing any good there," Mrs. McSurely said recently. "The people didn't want our help. Al was rushing all over the mountains but not accomplishing much of anything, and all I was doing was taking care of him and Victor. I didn't tell him then, but I was terribly scared. After our arrest, I feared every night that we would be killed. I was sure someone would try to get us." Half a mile outside Pikeville on the highway going east, a small road curves up through the narrow valley, or "hollow," where the McSurelys lived. Set back in the corner formed by the two roads was the small hospital that Victor had been born in. On the side of the hospital facing—and about a hundred feet from—the branch road was a large window in the obstetrics-ward lounge, where Mrs. McSurely stayed after the baby was born, because the charge for a bed there was three dollars a day less than in the ward. "I



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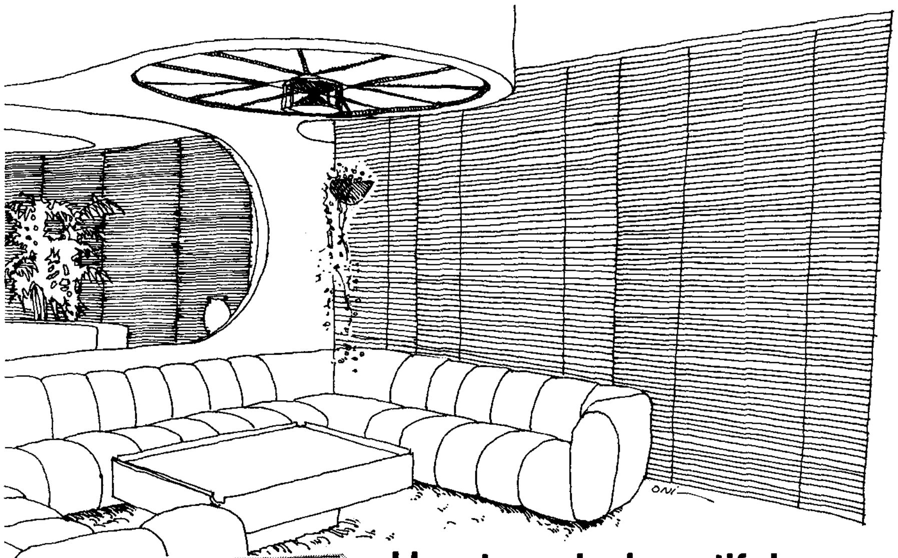

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used to lie in my bed right next to that big window and think that a sniper would fire through it and kill me," she said. "It may seem absurd to outsiders, but cowards down there really do kill women and children—and for next to nothing."

One evening a year after the baby was born, Mrs. McSurely put him to bed, had some dinner alone while she waited for her husband to come home, and then wandered nervously about their small house—a one-story five-room, white-clapboard cottage that was about a dozen feet off the same branch road leading past the hospital, half a mile down the hollow. McSurely had been away since early that morning, off in a neighboring county to talk to some people about setting up a coöperative food store there, and then in Dickenson County, Virginia, just across the state line, to see a man who had telephoned him with information that he thought might help in the miners' fight against black-lung disease. "Al came back at about eleven o'clock that night," Mrs. McSurely recalled. "He was bone-tired, and he had a bite to eat, took a bath, and went to bed. I cleaned up, and after checking Victor, who was in a crib in our bedroom, I turned in, too. It must have been about half past midnight. I had a hard time getting to sleep, and was just beginning to feel it come on when I heard a car coming down the road toward the house going real fast. Then it slowed, and I heard a thump, and then there was a terrible blast. It sucked out all the air, and everything—glass mostly—flew everywhere. Victor started screaming. The first thing that crossed my mind was 'Well, they finally did it.' I was sure Al was dead. The room was full of the smell of sulphur, so I knew it was dynamite. There was dirt in my mouth. I ran and picked up Victor, and then I saw Al running around the room looking for his pants. We got out of there and ran across the road to a neighbor's house. It was terribly cold, nearly zero, and very still that night. When Al and the neighbor went back to look at the damage from the blast—a hole torn in the side of the house, just under our bedroom window—they discovered a gas pipe had been ruptured by the explosion. The whole hollow could have blown up if the gas had collected there for long, so they got a wrench and turned off the gas. The neighbors said they'd heard a car drive up the hollow and stop and stay there for half an hour or so, then come back fast, and then there was the explosion. We never

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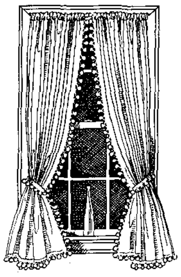

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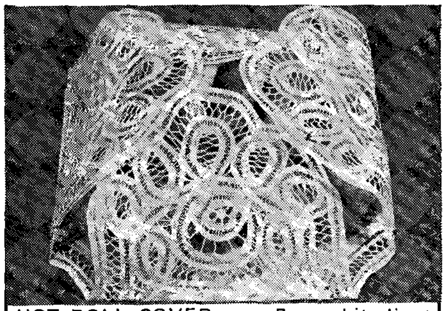

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learned who the men in that car were, because I don't think the police and the F.B.I. really tried to find out. Whoever it was must have waited for Al to get home and for us to go to bed and turn out the lights and go to sleep. I guess they meant to kill us in our beds, so we wouldn't have a chance. If the bomb had gone through the window, as they obviously intended, they would have succeeded."

The McSurelys couldn't decide which law-enforcement agency to call, but finally chose the state police, and half an hour later a trooper arrived at the scene. After examining the bomb damage, he said to them, "The next time this happens, you should call the Pikeville police, so they can block off the road."

Realizing then that there almost certainly would be a next time, the McSurelys quickly packed a few clothes and personal belongings in their Volkswagen bus, wrapped Victor in a blanket, and set off, at four o'clock in the morning, for Lexington. "That was it for us and Pike County," McSurely said. "A couple of days later, I bought a gun, and Margaret and I drove down to the house just long enough to pick up the rest of our stuff and get out for good."

A week afterward, the McSurelys moved into his mother's small house in Alexandria, Virginia, just outside Washington, and began mapping out a strategy for their fight against the Senate subpoenas and their command that the couple appear before McClellan's subcommittee three weeks later. "We were both very frightened," Mrs. McSurely said. "We knew the power McClellan wielded was enormous, and we knew that we didn't matter to him at all. We were just helpless citizens who happened to suit his political needs at the moment. And we knew that we faced a year in prison for contempt of Congress if we refused to honor the subpoenas. But we also knew that we had to. We weren't fighting just for blacks in the South or the poor in Appalachia any longer. Now we were fighting for ourselves—and for everybody else."

—RICHARD HARRIS

(*This is the second part of a three-part article.*)

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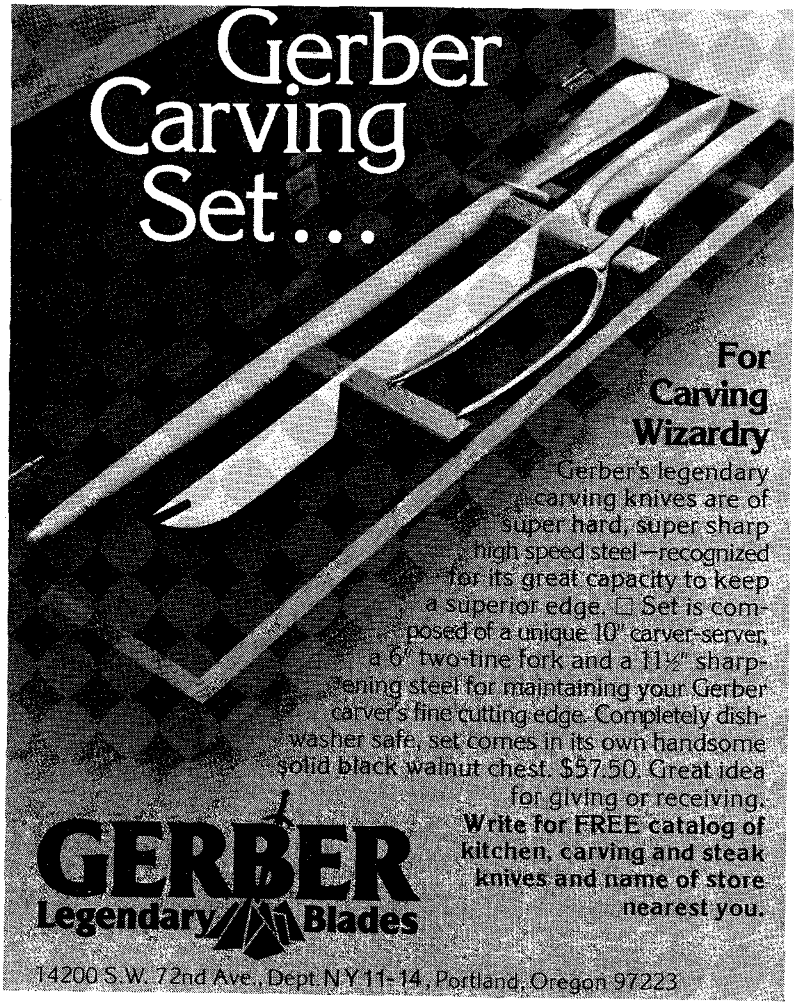

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STOPPARD'S THEATRE OF WHAT IF

AS amusing a play as one is likely to encounter in the course of the year—or, for that matter, in the course of the decade—is "Travesties," by Tom Stoppard, at the Ethel Barrymore. Mr. Stoppard, who is in his late thirties ("Nothing late about them!" he might characteristically protest. "To my mind, they've arrived precisely on time"), is already celebrated for having devised such golden beehives of prankish ratiocination as "Rosencrantz and Guildenstern Are Dead," "The Real Inspector Hound," "After Magritte," and "Jumpers." By now, it is commonly acknowledged that he is one of the wittiest playwrights alive, and it should serve as a sufficient compliment to his genius, as well as a sufficient recommendation of the latest of his works to reach these shores, to say of "Travesties" that it shows him at the very top of his form. Out of high spirits, thin air, and an exceptional intelligence, he has invented a host of tiny windup words and phrases, which skitter and tumble about the stage in a welcomely unlifelike fashion and then, à la Tinguely, tidily destroy themselves, releasing far more energy than they have appeared to contain.

In "Travesties" one senses that only the title is intended to be taken literally. The play consists of a continuous mockery of mere truth-telling; one by one, the sparse and dry facts of history are heaped up into a miniature Niagara of grotesque hypotheses, at the heart of which a higher truth, incarnate as nonsense, may be discerned. Stoppard's cautionary fairy tales begin not with the conventional "Once upon a time . . ." but, rather, with a brisk "What if . . . ?" For example, what if Hamlet's story were recounted from the point of view of two of its least important characters? What if, as in "The Real Inspector Hound," the critics attending a play became a part of its plot? In "Travesties," a trifling historical coincidence provided the playwright with his irresistible *donnée:* Joyce, Lenin, and Tristan Tzara, one of the founders of Dadaism, were all living in Zurich at the end of the First World War. If they met, what did they say to each other? If they didn't meet, what then? How might the collision that never took place have altered them and perhaps us? History is full of pleasing coincidences of this sort—Hitler and Freud are said to have sat as strangers back to back in the same Viennese coffeehouse; Joyce, Proust, and Stravinsky once attended the same fashionable party in Paris and, as you would expect, exchanged news of their ailments—but it requires the nimble games-playing, word-besotted aptitude of a Stoppard to turn an occasion for scholarly speculation into a rip-roaring, circus-sized farce.

Like Shaw, to whom he is often compared, Stoppard has a weakness for high, fanciful gab; in both cases the weakness may spring from their non-English origins. Stoppard was born in Czechoslovakia and lived as a small child in Singapore and India; he reached England at around ten. Shaw grew up in an Ireland every bit as remote from England as Singapore or India. The two ebullient outsiders took to playwriting as other men take to the bottle, and with happy consequences for the rest of us; their incorrigible flow of speech is, as the Irish say of drink, "a good failing." At the present moment, there is reason to predict that Stoppard may yet outstrip his mighty rival; he has a warmer heart (it would be hard to have a colder one), and he perceives and takes account of the unstanchable *lacrimae rerum*, as Shaw nearly always refused to do. Many sadnesses are hinted at in "Travesties," not least the sadnesses of age; I suspect that some of Stoppard's comedies to come will make us cry.

Whatever Stoppard is content to hint at is superlatively embodied for us in John Wood's performance as Henry Carr, the doddering but still passionately self-delighting hero of "Travesties." Stoppard wrote the play for Wood, and Wood has taken full advantage of his opportunities. In the cast supporting Wood are Tim Curry, Beth Morris, James Booth, Meg Wynn Owen, Harry Towb, Frances Cuka, and John Bott; all of them earned my admiration except Mr. Booth, as Joyce. He played the role, so it seemed to me, too cautiously, with too little of Joyce's capacity for youthful capering. The handsome sets and costumes are by Carl Toms, the lighting is by Robert Ornbo, and the direction, by Peter Wood, is as serenely confident as Stoppard's text and John Wood's acting. The firm of Stoppard, Wood & Wood is hereby commanded to remain in practice throughout the rest of the century. —BRENDAN GILL

OFF BROADWAY

David Mamet of Illinois

"SEXUAL PERVERSITY IN CHICAGO," the first of two one-acters by a remarkable writer named David Mamet which are now playing Off Off Broadway, is one of the saddest comedies I can remember, but it is a comedy, all right. It seems at first to be just a series of absurd, sexy blackouts, but one gradually becomes aware that a quite substantial theme is in progress—the growth and subsequent disintegration of a fragile love affair between two young people who were formerly anchored (whether aware of it or not) in homosexual partnerships; after a period of intense happiness they break up, as much because of inexperience and bewilderment at the small abrasions of daily living as because of the unceasing disparagement of their new lovers by their former ones. In the last scenes we see the downcast young woman back home with her bitchy roommate, who gives her a short, brutal lecture on her young man, and the young man with *his* roommate, girl-watching at a beach, to the accompaniment of the roommate's equally brutal, dirty, monosyllabic observations on the girls being watched. Boy and girl have taken a chance and muffed it; they may or may not get a second chance, but their confidence has been impaired.

Looking back, I can see I've made everything sound too glacial and too solemn; actually, the subtly pointed incidents are so unobtrusively put together that for quite a while the audience is unaware that any story is being told at all—or even, perhaps, that these couples are homosexual. Also, one spends so much time laughing at the funny lines that the underlying sadness of the play comes as an aftertaste. The piece is written with grace and is very well performed, in that casual, offhand "Second City" style, by Jane Anderson, Gina Rogers, Robert Picardo, and Robert Townsend, who act as if they had been working together for years. According to their program résumés, this is their first venture as a company. Much credit is due Albert Takazauckas, the director.

The second piece, "Duck Variations," is, strictly speaking, a poem in the guise of the desultory conversation of two old Jewish men, acted to perfection by Paul Sparer and Michael Egan, pottering around a bench in a park presumably facing Lake Michigan. There is a marvellous ring of truth in the meandering, speculative talk of these old men—the comic, obsessive talk of men who spend most of their time alone, nurturing and indulging their preposterous notions. There is more here than just geriatric humor; there is also imagination and understanding, as these old parties grow impatient with each other, quarrel, make up, reveal their need for each other, and talk glorious nonsense with impassioned solemnity. They never become ridiculous or pathetic; their dignity remains intact from beginning to end. Mr. Mamet is a true and original writer, who cherishes words and, on the evidence at hand, cherishes character even more. George Quincy's music sounds wonderful, and Michael Massee's sets and Gary Porto's lighting are fine, too. —EDITH OLIVER

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Teaching them self-control is teaching them to arrange their environment so that temptation is removed. They can be taught to keep tempting food in out-of-the-way places, such as keeping candy out of the living room. Smokers can be taught ways of making access to cigarettes difficult. One man taped his cigarettes to his thigh so that whenever he wanted a cigarette he had to take down his pants.—*From "Changing Children's Behavior," by John D. and Helen Krumboltz.*

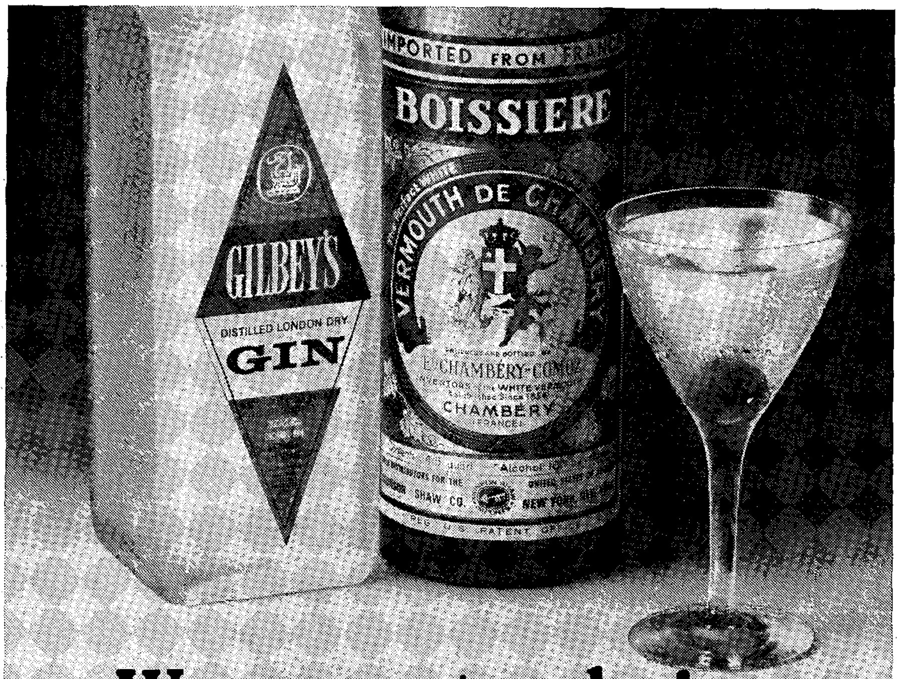
He kicked the habit, but now he's an exhibitionist.

•

I would like to know what can be done about trees that are growing in front of the door, and it is terrible. And what can be done? MRS. HAYES.

Assistant City Manager Samuel H. Halter said that his staff contacted you and determined that your complaint concerned a sub station belonging to the Savannah Electric and Power Co. No action need be taken, Halter said.—*Savannah Evening Press.*

Next question.



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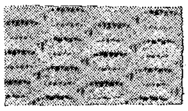

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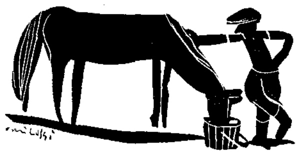
THE RACE TRACK

Those Ladies Again

IT was Dulcia by a head, Royal Glint by two lengths, then Tizna and the eight others—Allez France finishing last—in the $350,000 National Thoroughbred Championship at Santa Anita last Saturday. The race was a thriller from the instant L'Enjoleur popped out of the gate until the two minutes and one second it took to run the mile and a quarter was over. Curiously, it reminded me of the first Santa Anita Handicap, at which I was present, forty years ago. In fact, as far as I can remember, it wasn't until last Saturday that I had seen another field of that size so closely bunched from the break until it turned into the stretch. In the 1935 race, it was Azucar who took the lead at that point (as it happens, a film clip of him doing so was shown before the National by CBS, which televised Saturday's event), and in the National it was Royal Glint. Azucar went on to win, but Royal Glint was overtaken in the last furlong by Dulcia, who made a wide turn into the stretch and swept down upon him. Dulcia was the best as the race was run. She was away last and she remained last until Shoemaker managed to ease her out of the pack at the half-mile ground and take the overland. (It seems that she does not like to run with horses outside her.) Once in her favorite position, she went around the leaders like a hoop around a barrel. Royal Glint was always in a good position, but at the end Dulcia was too much for him.

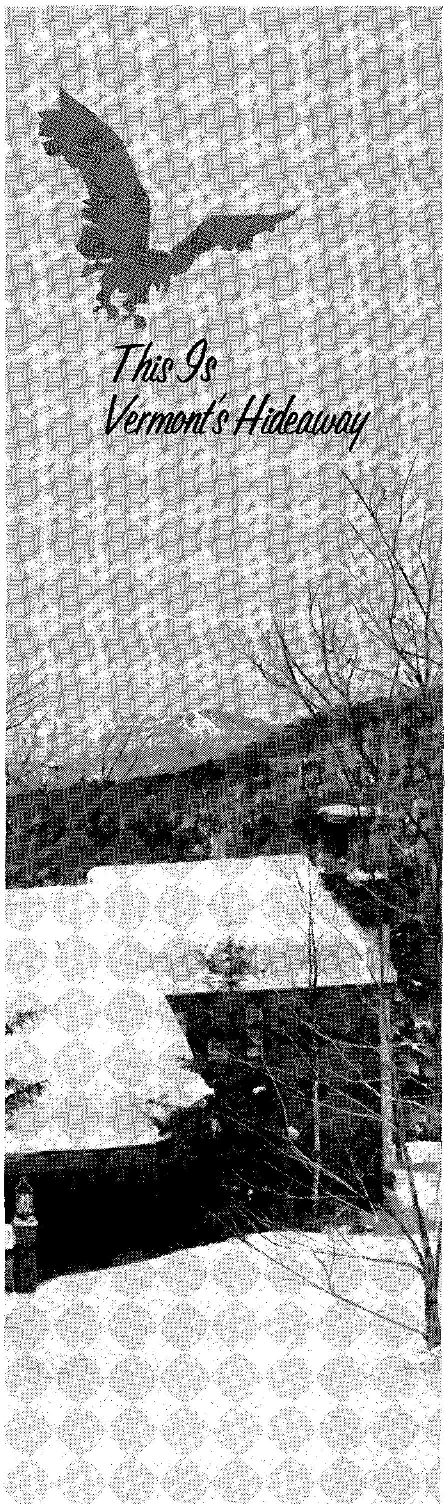
Ancient Title, top weight and one of the favorites, didn't have the dash he usually has on his favorite track. It is easy to find excuses for beaten horses, but I must say that Allez France had a lot of things going against her. She'd recently had two hard races—the Prix de l'Arc de Triomphe at Longchamp and the Champion Stakes at Newmarket. She has never shipped well, and the flight from Paris to Los Angeles and the jet lag (if horses have jet lag) must have taken a lot out of her. She appeared nervous as she went to the post, switching her tail and tossing her head at a great rate, and since she's accustomed to running clockwise and on the grass, I am sure she didn't like running counterclockwise on a dirt track with four turns. Also, she was in close quarters near the rails practically all the way, which didn't help. And, what is more, she probably missed her stable pet—a sheep who lives in the stall with her back in France and keeps her company. Our import regulations wouldn't allow the sheep to accompany her here, so Angel Penna, her trainer, had to get her another one in California, but it wasn't quite the same to Allez.



Dulcia is a six-year-old chestnut Argentine mare by Gran Atleta out of Donosa. She raced in the Argentine and in Brazil until Mrs. Arthur Stollery bought her for a reported price of $150,000. Coming up to the Big One, as they call the National out there (it was worth $240,000 to the winner), she took the Vanity Handicap, the top race for her sex at Hollywood Park, and then beat Tizna in the Ramona Handicap at Del Mar. As you'd guess, she is trained by Charlie Whittingham, who wins most of the big ones on the Coast, and her rider is Shoemaker. What a combination!

BERTRAM FIRESTONE'S Honest Pleasure wound up his racing for the year with a wire-to-wire victory in the Laurel Futurity last weekend. Two and a half lengths behind him, Whatsyourpleasure beat Dance Spell by three and a half lengths for the place. It was the fifth straight victory for the good-looking, dark-bay son of What a Pleasure and Tularia. It goes without saying that he will head the Experimental Free Handicap, which rates the season's two-year-olds. He'll also be the early-winter book favorite for the Kentucky Derby.

EIGHT, and possibly nine, horses from five countries will face Ed Blind, the well-dressed starter, for the twenty-fourth running of the Washington, D.C., International at Laurel this weekend. The field for the mile-and-a-half, weight-for-age event was diminished the other day by the withdrawal of Wajima, our best three-year-old, who was declared out of the race by the East-West Stable. No reason was given, but Wajima, recently syndicated for $7,200,000, has never raced on the grass, and I suppose the syndicate didn't want to risk anything happening to him. The runners are E. P. Taylor's Snow Knight, winner of his last five starts, including the recent



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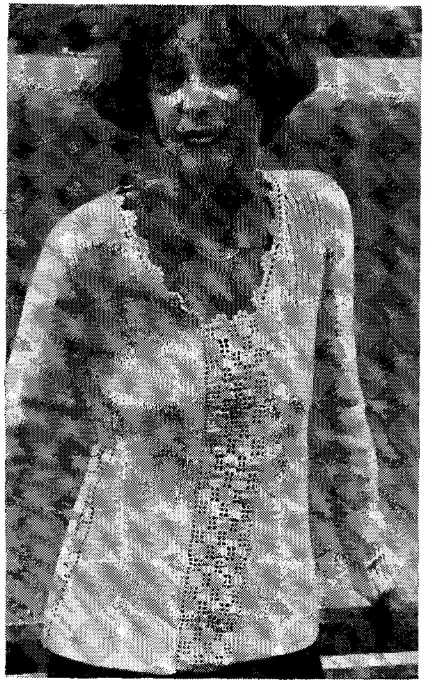

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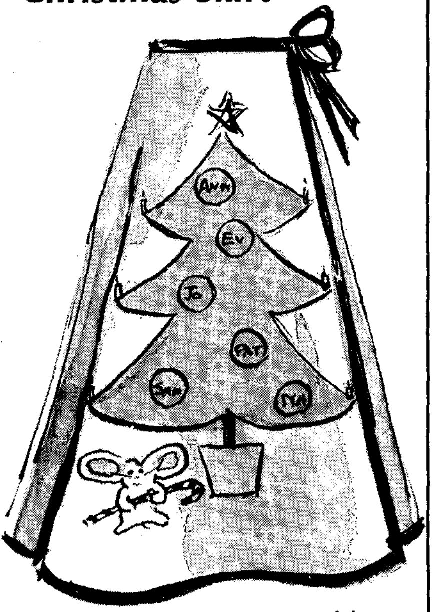

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Canadian International Championship Stakes; Bunker Hunt's Dahlia and Nobiliary; Waldemar Zeitelhack's Star Appeal, who is West Germany's best runner, and who won the Arc de Triomphe last month; Xavier Beau's On My Way, who was second in the Arc; and George Ohrstrom's Comptesse de Loir, who was third in the Arc and second in the Canadian International. And from Italy there is Laomedonte, owned by Dr. Carlo d'Alessio (no kin, I am told, to Johnny Alessio, who used to run Agua Caliente), and from Japan Hiroshi Sueoka's Tsukisamu Homare. Allez France was also invited, but after the National it is doubtful that she will appear. This fallible department's choice is Snow Knight.

As you may have heard, there will be some changes when Aqueduct opens next Monday. For one, there will be no racing on Sunday until spring comes along with warmer weather. It is no stable secret that the Sunday programs have not been the success the New York Racing Association hoped they would be. The racing was good, but even the top-flight horses who came out after the return from Saratoga did not attract the crowds expected, and of the betting in the tote the less said the better. In addition, the cost of operation was fantastic. Double pay for the staff working on Sundays ran it up to figures almost beyond belief. A source close to the management said the other afternoon that there had not been a Sunday he could remember when the track broke even. Also, there will be no racing from Christmas Eve until the day after New Year's. Chances are, though, that OTB will fill the gap by taking bets on races in other states. —Audax Minor

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ALL HEART, CIVIC LEADER TIGHTENS BELT

[*From the Pasadena Star-News*]

Los Angeles City Attorney Burt Pines, who makes $422,500 a year, says he will decline any salary increase for himself at this time because of the economy and unemployment.

"In light of the economy, in view of my salary and the number of people out of work," he said Tuesday, "it would be best not to accept" any raise.

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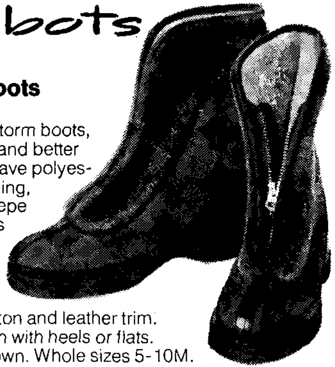

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THE AIR

The Interview

A FEW weeks ago, viewers of New York's WCBS regular Saturday-evening news broadcast were shown a fairly long film report of a fire in a Harlem tenement, which early that morning had killed a six-month-old Puerto Rican baby and had destroyed a good part of the building. It was a depressing and grief-stricken scene. The dead child's parents, who had been out at the time of the fire, were very young and very distraught. The child's babysitter was also on hand: a frightened, tearstained, Puerto Rican girl of sixteen, who unfortunately had left the apartment for a few key minutes in order to buy some diapers for the baby. "This is a story of human lives and tragedy," intoned the WCBS reporter, Lucille Rich. A microphone was thrust at the young babysitter, who muttered wretchedly, "I went to take out the baby and I get to the kitchen, but I can't see nothing, so I can't take out the baby. . . ." Then the baby's mother was produced, or, rather, discovered, sitting stunned in her sister's apartment in the same building. A microphone was thrust at the eighteen-year-old mother and she was asked, "Do you feel any animosity toward the young babysitter?" The young girl, barely in control of her feelings, stumbled through an awkward reply: "Well, I don't know, I don't know how to say it. I don't feel it right now. In a way, I don't know if . . ." At the end, she simply said, "It doesn't matter, right?" Finally, Miss Rich went to interview the family that lived on the floor below, whose small apartment had also been ruined. "And now that you see all this mess, with your apartment ruined, how does that make you *feel*?" the reporter asked a woman in the family. "Bad," said the woman. Miss Rich then summed up the experience for the benefit of the audience: "In the midst of grief and pain, one looks for answers, but answers to the whys and if onlys don't come easily. Maybe time is there to help heal the hurt. . . . Lucille Rich, Channel 2 News."

When I called WCBS a few days later to ask for a transcript of what had seemed like an astonishingly jarring set of interviews, the news director expressed a good deal of forthright regret at the quality of media intrusion that had been visited upon those distraught people in the fire-torn tenement. "It should never have happened," he said, which seemed a decent attitude for a news director to take, even though one knows that should an airliner crash tomorrow near a Trappist monastery not even the brothers' celebrated vows of silence would protect them from the bombardment of inane and often unanswerable questions which is by now an accepted convention of television's crisis-oriented news coverage. Even so, it is not the issue of invasion of privacy which made me prick up my ears at the WCBS Harlem-fire story, for that's both a larger issue and one that is as deep and tangled as the country's psychology itself. Rather, it was the story as an *interview;* for this was an unusually bad series of interviews and it made me wonder, generally, about the role of interviewing on television.

To take an obvious example (which was illustrated in Miss Rich's questions): Why is it that, time after time, almost as if it were an inevitable—a magical—question, TV reporters at crucial moments must extend their microphones toward a subject and ask, "How do you feel?" Whether the interviewee is an astronaut returned from walking on the moon or a politician who has won or lost an election or someone in the middle of a personal tragedy, the question, or one of its equivalents, is so frequently asked by television reporters as to have become a commonplace. "Well, Luis, how does it feel?" a microphone-thruster asked the Red Sox pitcher after a World Series victory. Another reporter went farther: "I bet victory can't feel much better than that now, can it?" Or "Tell me what you felt when you saw your new face," as a local-news reporter asked a patient in a story on plastic surgery.

It seems to me that there are two ways of looking at these TV reporters' questions. On a certain level, they are simply childish and inept, though I think the ineptitude often lies not so much in the triviality of the question as in the unaware hostility behind it. Only in movies, for instance (and not the classier sort of movies, either), does a man who asks his wife "How do you feel?" or "What's the matter?" ever receive a satisfactory answer. In real life, the hostility behind the question is usually picked up by the other person, who then counters, "Fine" or "Why, nothing." In the case of television in-

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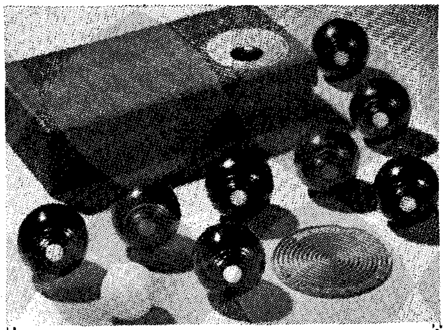

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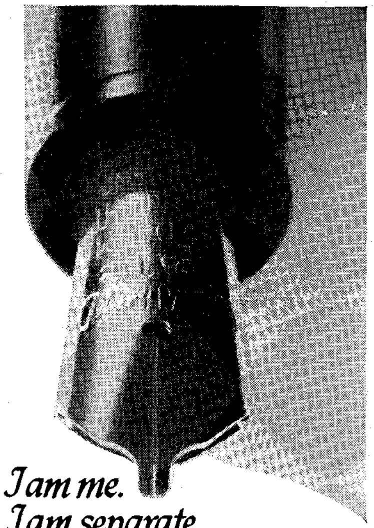
terviews, of course, the reporter and his subject generally have no previous association, and also the subject is trying his best to be helpful. Thus, *some* kind of reply is finally produced. For instance, in a locker-room interview after the last of this fall's World Series games, the camera picked up the weary figure of pitcher Bill Lee, who was seated alone on a bench. The reporter put a microphone under Lee's lowered chin. "Does it hurt to smile?" he asked, in that mixture of bogus concern and smiling disconnection which may well be the future language of World Government. Unable to move away, Lee slowly replied, "No, I can smile all the time." On another local news report, about a Phoenix House project for helping backward poor children, a reporter put a microphone in front of a young, nervous, and possibly *retarded black boy. "Do you like it* here?" she asked. "Yes, something about it," the boy replied uneasily. Aside from their insensitivity, these simplistic leading questions are patently non-evocative, in that they don't lead you anywhere. "Do you like it here?" addressed to a troubled, backward kid in a rigged-up "media" situation is basically little more than a careless act of aggression, exploiting the boy's awkward personal voice for the benefit of the reporter's own view of the story—besides being the kind of question that would leave any but the deftest of talkers high and dry after little more than a yes or no.

The ineptitude of TV reporters' questions, then, is a fact to be reckoned with on all too many television news interviews, especially on the local level. There are a number of surface reasons for this state of affairs. For one, few stations, or even networks, appear willing to spend their riches on hiring as reporters men and women who are specifically knowledgeable about specific areas of national life, with the result that there is a constant demand for "instant expertise" from the general reporters; consequently, a lot of dumb questions get asked, and a lot of useful questions don't get asked. However, this small-town-newspaper approach to handling modern news flow is only part of the problem. At the back of whatever ails the TV interview seems to be a needlessly confused and conservative approach to what a TV interview can be or can't be. In a sense, a TV interview can be just about anything, in that, in the right circumstances, people might attentively heed a Venusian visitor replying in equations, or even a New York mayor speaking



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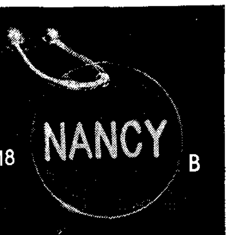

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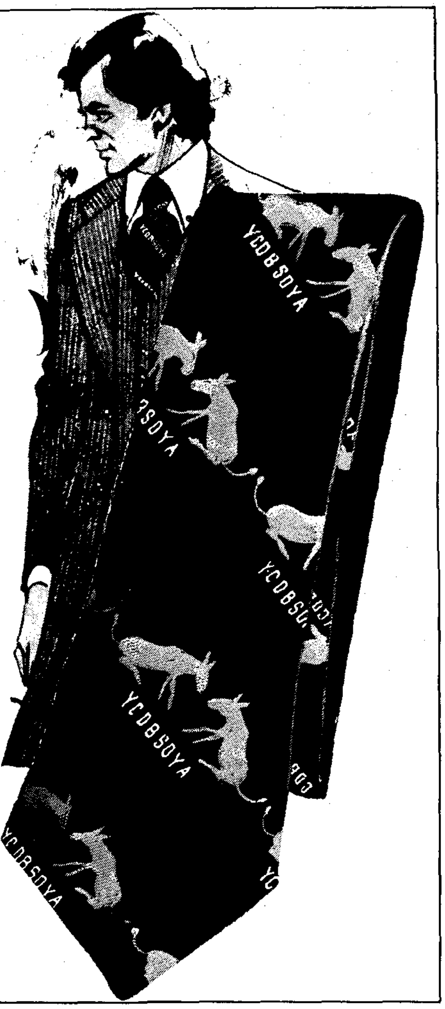
forthrightly in dollars and cents. But, practically speaking, a TV interview is not there to provide the same "information" as a print interview with pictures added. The audience knows this. The reporters know this. Certainly, when a TV reporter goes into a World Series locker room, he knows that he has not been sent there to find out the score or to get a pitch-by-pitch account of the fifth inning. He knows he is there to capture a moment, to show the "feel" of something. Likewise, at the campaign headquarters of a winning candidate, viewers (and the reporter) seek a human display—again, the "feel" of something—not a review of the issues or an account of how the precincts voted in the suburbs.

So what goes wrong? Two things, I think. The reporter often distrusts himself, meaning that he is often supposed to evoke feeling about an event that he has no feeling for himself—or about which he feels hostile, perhaps, or scared, or tired, or bored—and so, rather than let the real subjects (politicians or baseball players or whatever) go about their own activities, with him following *them*, and perhaps connecting finally to genuine feeling, what he does time after time is insistently impose his own authority. Though classic questioners—chiefly spies and psychiatrists—know that only the reverse is likely to produce anything of value, the TV interrogator asserts *his* preconceptions, even offers *his* answers, in a lengthy question that he unrolls into his microphone and then allows the interviewee to sign. "After the years of oppression and danger in your homeland, and after the incredible danger and difficulty of your escape, which carried you to England ten years ago—well, perhaps you can tell us about the kind of hospitality you've met with here?" I heard a network interviewer ask a perplexed but amiable Soviet scientist a while ago.

The other thing wrong with TV news interviews, I think, is that the form they take often seems dictated by a lack of confidence that television newsmen appear to feel in the special visualness of their own profession. It would be strange if this feeling of uncertainty were not there to some degree, for television news has been a fairly recent development in journalism's long history. Television newsmen have often been looked on—and looked down on—as being the "glamour boys": long on good looks, announcerish voices, and high salaries, and short on "newsman's savvy." Unfortunately, this point of view has had a certain



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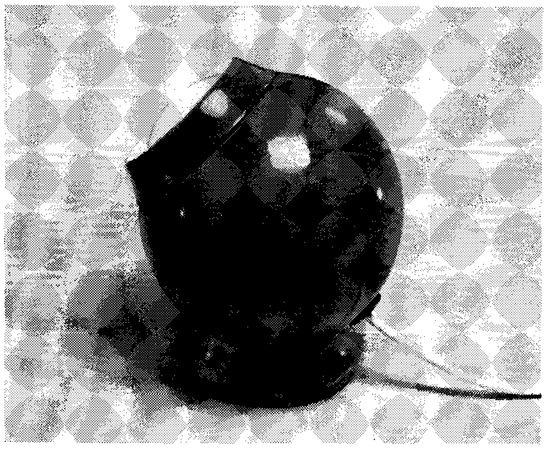

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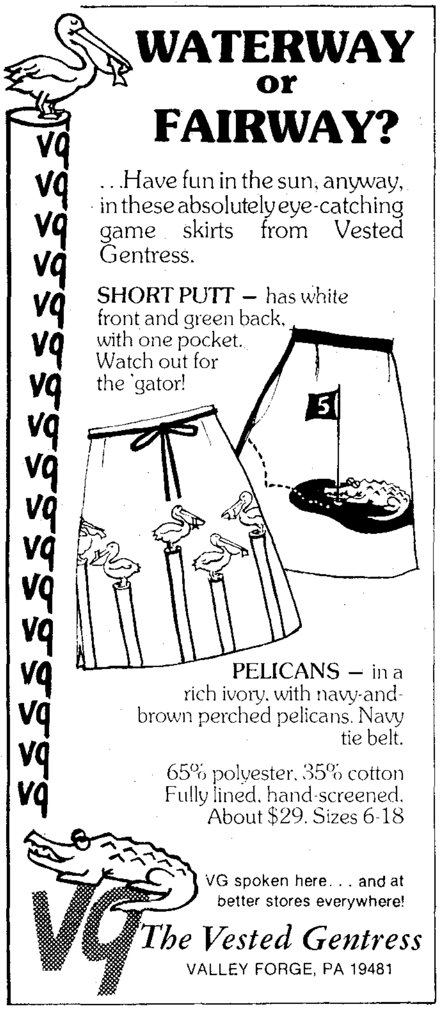
amount to recommend it, not really because TV newsmen are genetically more inept or shallow than print newsmen but because the demands of even most major TV news organizations on their reporters in terms of originating stories, developing contacts, accumulating background interviews, doing legwork, and all the other rituals of the print reporter's trade have been comparatively insubstantial. When a national crisis occurs and the engines of TV news are geared to produce radiant and ghastly streams of "actuality" for days on end, then even hardboiled print journalists acknowledge that TV newsmen have a place of their own. But most of the time we watch the evening news, and this "place" becomes less easy to define. I suspect that this is true for the TV newsmen themselves. They are supposed to be children of the Grand Old News-Gathering Profession—but they are rich stepchildren, with flashy clothes, new toys, and hopeful and insincere smiles, and naturally they have their share of professional insecurities. Insistently, the television people call their continent-hopping crisis-reporters "correspondents." Venerable anchormen have been known to refer to themselves on the air as "this reporter." Harmless gestures. The point of the business is supposed to be "hard news"—at least, so says the news establishment. This is what print journalism is about. This is what TV journalism is about—and, conscious of the raised eyebrows of the unflashy Old News-Gatherers in the print sector, the TV journalists keep trying to go them one better. Can the *News* get a tugboat sinking into next morning's paper? TV news will show it two hours after it happened. Does the *Times* report a subway fire? TV news had it the evening before. And when the TV reporter arrives by radio car at his fire, you can be sure he is going to act like a proper newsman at a hard-news event and ask "hard"—in the hard-news sense of the word—questions. Actually, on most such stories, he is going to confuse himself and blur the moment, because part of him is assertively asking hard newsman's questions, in a hard newsman's manner, while the other part of him—the TV-oriented reporter—is vaguely looking for the "feel" of the event.

IRONICALLY, a better intuitive grasp of the form of television interviewing can be found in an unlikely area: that of the talk shows. On these strange programs, with their grinning hosts and ingratiating show-business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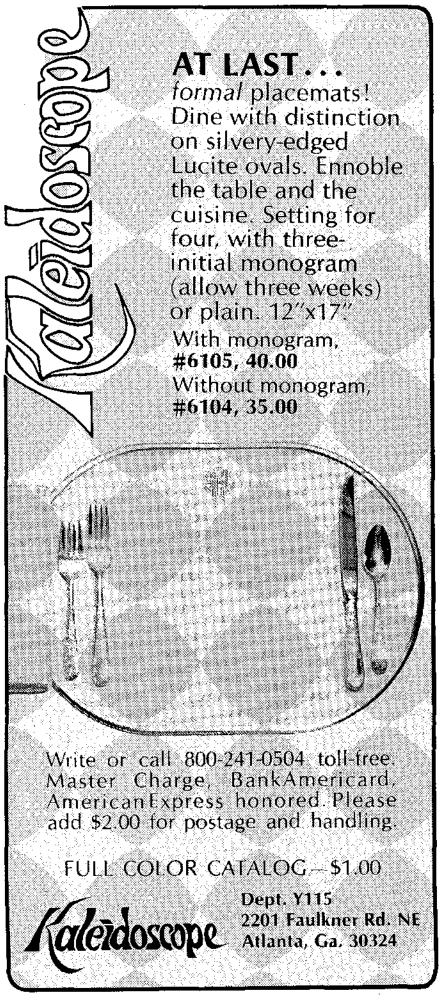
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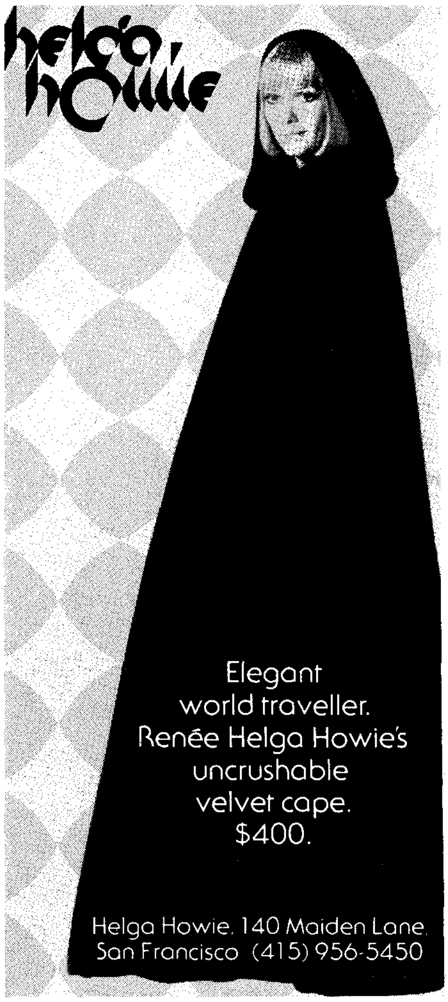
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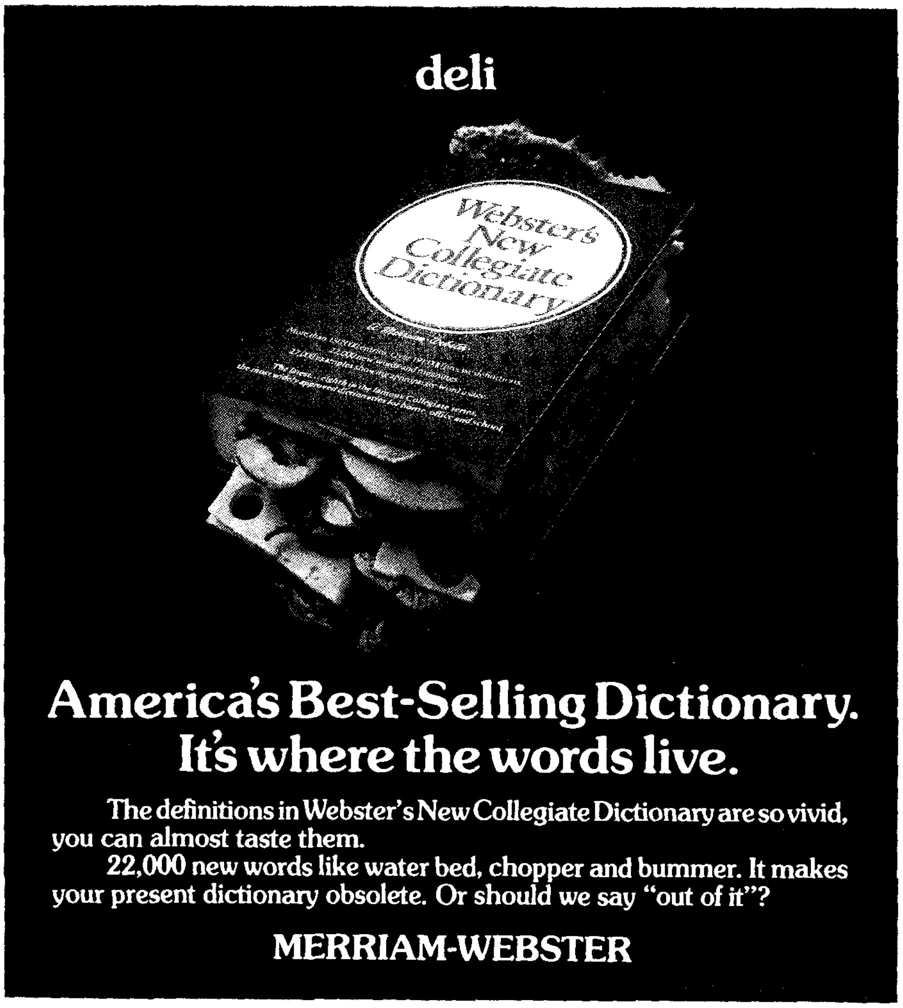
guests, two important TV interviewing principles can be found. One is that it is the interview subject who is supposed to do most of the work; the other is that the conduit for conversation is usually a quite "soft" and aimless question. For instance, on a Merv Griffin show the other evening, for no apparent reason at all, Griffin turned to his various guests with such random gambits as "What was the first job you ever had?" or "You've never lacked for beautiful women around, have you?" or "Are you working now when you feel like it?" or "How come you're looking so happy and successful?" I call these soft questions because they aren't trying to elicit any preconceived reply. "Do you feel any animosity . . . ?" directed at the young mother in the Harlem-fire story has a preconception built into it that the woman does feel animosity, which she will now produce, or somehow handle (in the manner of a theatrical exercise) for the benefit of the television audience. It is a manipulative question. But when Merv Griffin asks Lucille Ball "Are you working now when you feel like it?" he doesn't have anything in mind. The question has a remote, vague meaning, but no present meaning. Griffin is merely making celebrity small talk, nudging the show along on its prescribed track. Now and then, of course, an unexpected (or unprescribed) revelation of personality occurs on these programs, but the chances of this are slim, and are carefully hedged by making sure that most of the guests are tried-and-true TV performers. When a potentially interesting performer such as Lola Falana appeared on the "Tonight Show" recently, there was little attempt by Johnny Carson at interviewing her, or even at holding what might be called a conversation. As a professional talk-show guest, she was supposed to make her appearance, chat up the host, do her number, and generally provide her

Judith Shahn



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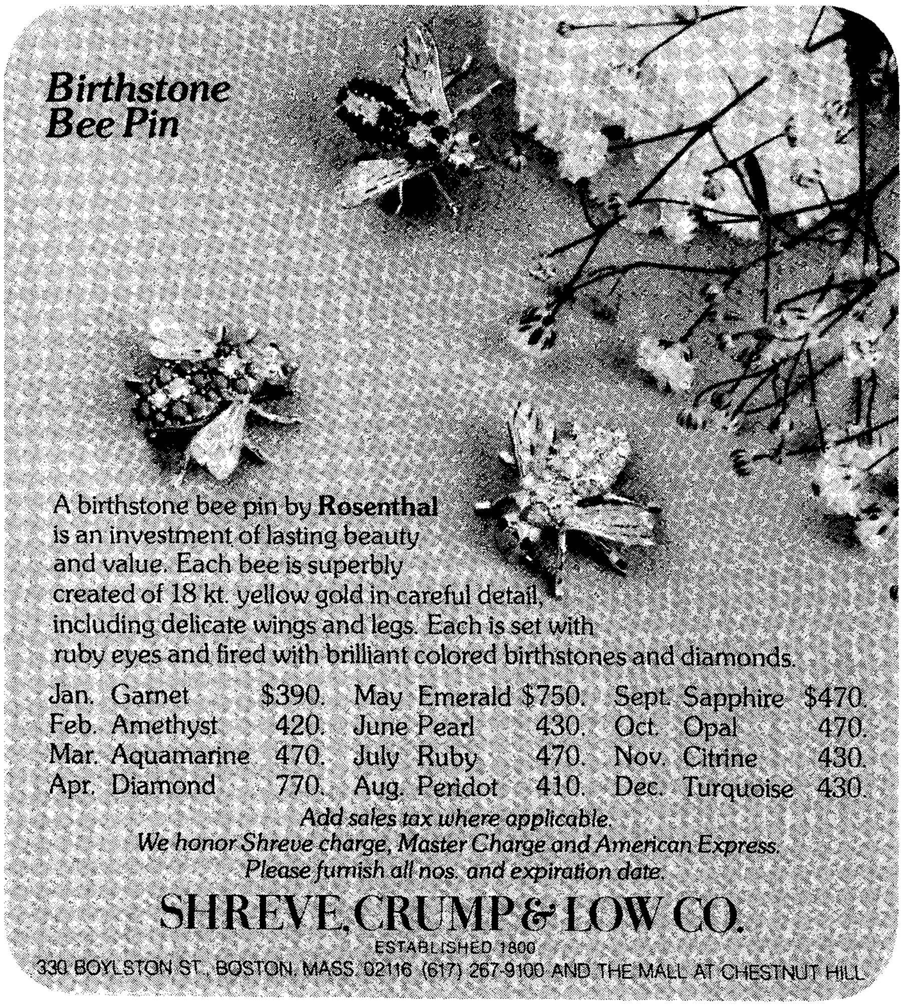

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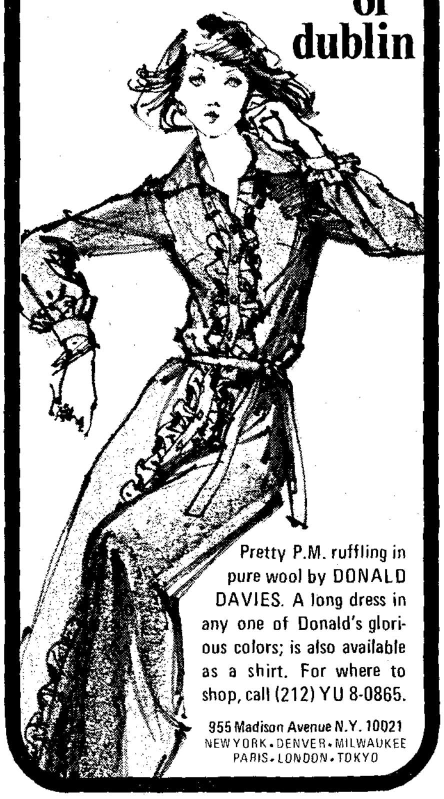

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own small talk—much of which, as is customary, was directed at further chatting-up the host. "I'm so glad you were born," she said to Carson at one point.

Still, for all their silliness, these talk-show "interviewers" are onto something, in that they know that the audience is very minimally interested in traditional news-interview information. This is not to say that there is no place on television for hard-news interviews, but the place where such fact-oriented journalism occurs (as on the Sunday "Meet the Press" and "Issues and Answers") is on the whole a small one. The talk-show hosts also know that their large audiences are only slightly interested in the information rewards of consecutive conversation but are agreeable to the semblance or rhythms of conversation—and that this is rarely produced by the asking of hard or leading questions. The chief trouble with these shows, really, is that they are so bored and so trapped in show business: an endless parade of celebs and semi-celebs, prattling away about their agents, or Mexican vacations, or new bookings—sometimes joined by, say, a glamorous heart surgeon who has written a new book, and who in a matter of moments is grinning inanely at the host and talking about his Mexican vacation like the rest.

Close to the atmosphere of a talk show in its format, but nonetheless a program that has been capable of many fairly solid interviews, is the "Today" show. Across the years, the "Today" show (now co-anchored by Barbara Walters and Jim Hartz) has managed to become a program of considerable distinction—without its individual parts' necessarily being distinguished—because it somehow expresses a quality of being willing to bet on itself. It does things because it does them—and in the TV world of constant over-the-shoulder glances that is something of a rarity. Hartz is not a Great Interviewer in any theatrical sense. He doesn't ask the hard question that print newsmen suggest should continually be asked. But he is a *good* television interviewer, in that he expresses a quality of civil regard for his guests, and though his questions sometimes contain too much of the expected answer, he manages to give his interview subject (and the viewer) room to breathe. This matter of the "regard" of the interviewer is not so unimportant, by the way, having no real parallel in print interviewing (where the interview subject can slam the door on an unpleasant or tricky interviewer), but being in fact a quality

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that can either effectively create a bond between the subject, the interviewer, and the audience or—when it is absent, as it often is—create that semi-sadistic, static effect of the interviewer's "playing off" on his subject while seeming to smile at him. Barbara Walters has also become a consistently good interviewer, having subdued her most noticeable flaw—interrupting guests mid-sentence—and somehow having channelled perhaps the same tendency so as to produce an atmosphere of modest unpredictability. In any event, the "Today" show interviews are certainly a large part of the reason for the great success of the program, and it is interesting that they seem to combine the qualities of "hardness" and "softness" found on the regular news programs and the talk shows. The "Today" show, however, remains something of a special case, for the real basis of its appeal lies in its having taken hold of what might be called the morning-newspaper experience and remythologized that into a television format. It is the habit of "touching" a basic early-morning stability that seems to still bring and hold the audience.

A different but equally special case, in terms of interviewing, has been the work of Mike Wallace. For some years now, Wallace has cast himself as the abrasive investigative reporter, ferreting out facts, and willing to bully his subject in order to get them. Wallace is the antithesis of the talk-show host, or appears to be so. Wallace is the hard-news investigator, who asks the hard question. In fact, Wallace is probably more theatrical than any other working newsman, and though he's a capable reporter, his role is borrowed largely from courtroom drama. He is the fiery prosecutor—the righteous and wrathful D.A. determined to rid Gotham City of its undesirables. At times, this can be very effective in dealing with the big-shot interviewee who is determined to appropriate the platform of the interview for his own benefit—a common failing of the TV interview, and a situation to be found almost every night on the news. A few weeks ago, for example, a reporter from Channel 7—supposedly interviewing the mayor of Elizabeth, New Jersey, about a teachers' strike—was put in the role of a dutiful student, with microphone outstretched, while the mayor proceeded to deliver unchallenged what sounded like a much-rehearsed speech. And, on a more disastrous level, there was the occasion, during the ugly hurly-burly of the 1968 Democratic Convention, in Chicago, when CBS

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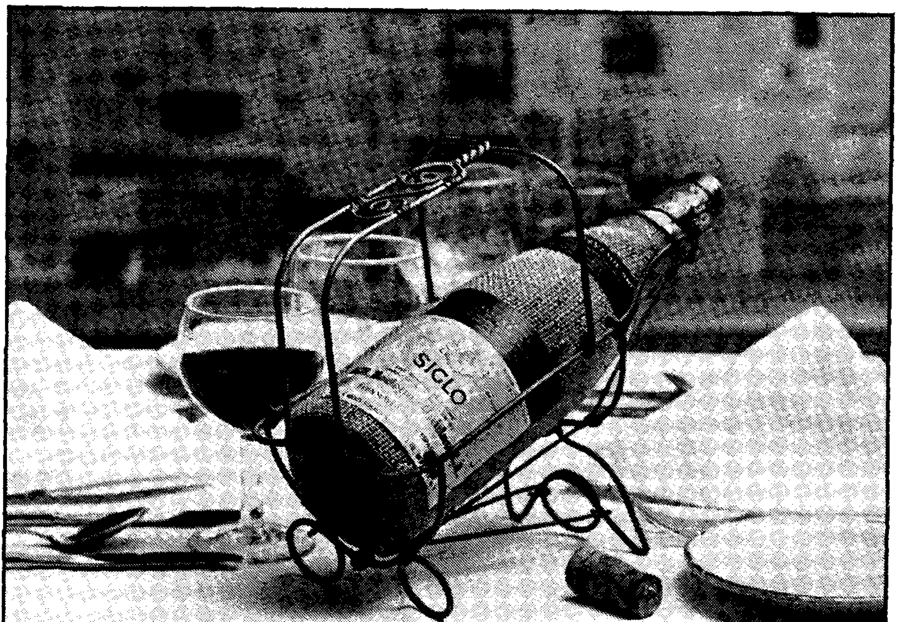

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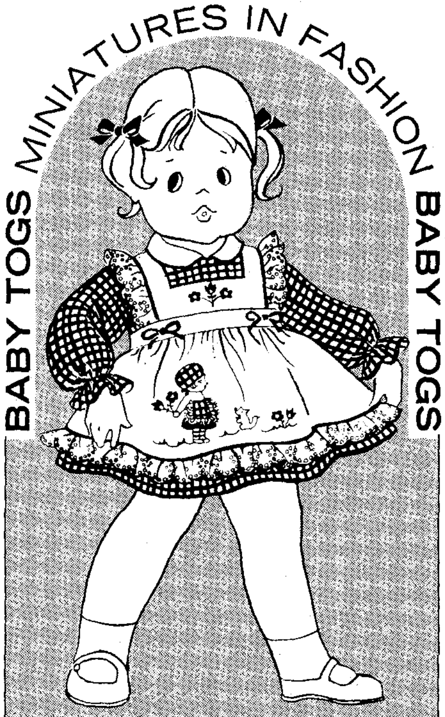

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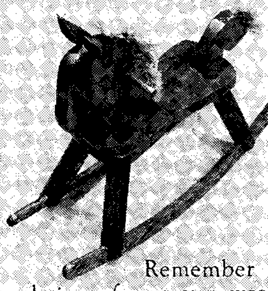

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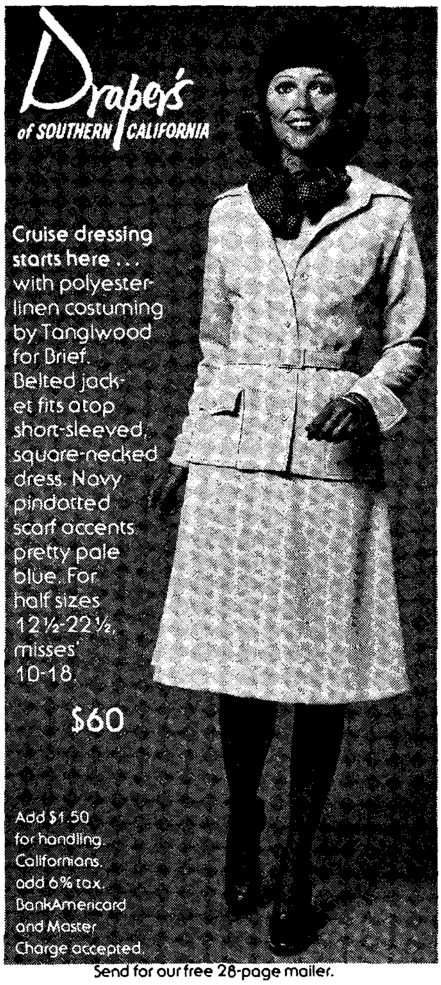
sent Walter Cronkite to interview Mayor Richard Daley, whose police *had clearly perpetrated much of the* ugliness. Cronkite was so determinedly centrist in this interview as to be passive, almost apologetic, with the result that the roughneck Mayor had the opportunity to define the event and the rioting pretty much on his own terms. Mike Wallace, one imagines, would have been a better choice for the assignment—except that Daley almost certainly wouldn't have agreed to see Wallace. Wallace's interviews provide a point of view, which is an asset of sorts, but the point of view is mainly theatrical, and tends to focus the interviews on Wallace's personality. Also, they only work when Wallace's subjects can be persuaded or bullied into playing his game. When Wallace runs into someone with an equally strong ego and sense of theatre, as in his interview with H. R. Haldeman some months ago, the result is a standoff, or worse. Haldeman simply straight-armed most of Wallace's edgy, leading questions, playing them back on their own theatrical quality, and appearing to know that—unlike in the Perry Mason dramas—there was no judge sitting behind him to say, "Witness must answer the question!"

WHAT all this adds up to, I think, is that, though there are individual examples of good interviewing on television, especially in the entertainment and cultural fields, TV news interviewing appears to be in some kind of limbo. Its often inexpert reporters are looking for the "feel" of things, which in many situations is a good way to begin, but they start asking those hard questions in order to get it. Or when they're not asking hard questions, they're letting those politicians or endless spokespeople make speeches into their microphones. Or they're trying so *strenuously to control the event*—to be proper hard-news authority figures—that the event and the people in it all end up awkwardly choreographed into some lifeless and ritualistic dance.

The waste of it is that TV has the capacity to provide a unique kind of "information" about its subjects—not the kind of information one looks for in a newspaper or magazine. Think of the advances in film or visual language over the past thirty years. Think of the ways that people have found to tell stories, play dialogue, set scenes, handle motion—and think of the incredibly expanded vocabulary of the modern film audience. Think of what in the way of new visual language people are given, and expect, in TV advertising.



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But TV news remains the Old Religion. Nothing must change, though there is much whiz-bang talk about new gimmicks—new instant replays, new mini-cams—with which to conduct a Front Page operation on a faster Front Page basis. There is something endearing about the conservatism and devotion with which the TV news priesthood cloaks its worship of the News—this sacred and venerable object that can only be presented to the public in *such* a manner, with roughly *so* many stories, and done either *this* way or *that* way, though clearly, by all accounts, this selfsame venerable object is often tossed about by the priesthood in the manner of the Dormouse at the March Hare's Tea Party.

I suspect that nothing much will ever change TV news, this side of a decline of the West, or a melting of the polar ice caps, or whatever it is that could require a basic restructuring of network broadcasting. But one way to improve it would be to start cutting those ties to the Old News-Gatherers of the print medium. In this matter of interviews: Why so many interviews to begin with? If you have a scene playing, as in a World Series locker room, let it play. Listen to conversations, or start one, and let it move, and see what happens. Tell the boss back in the control module or action central that you're not a ship's reporter, you're in a movie, with any luck—unless you blow it by grabbing some poor infielder, and throwing a microphone at him, and asking him how he *feels*. TV reporters now seem to include interviews because that's what a news story does—it has interviews. But why, if the interviews are going to come out strained and artificial? What is the "information" in glassy-eyed people mouthing helpless insincerities? And what's the advantage of breaking up a terrific small movie with a lot of control-and-authority numbers by the reporter? And, on the occasions when it's necessary to actually interview a specific person, surely in this era of psychiatry there must be some way of devising questions that do not either hang heavy with hostility or simply stop the interviewee dead, or both?

In this last matter, I've noticed that TV news' heroic Edward R. Murrow was wrestling with such dilemmas in his final years at CBS, when he combined his regular news reporting and analysis work with the softer format of "See It Now" and "Person to Person." "See It Now" was definitely the better of the two shows. Murrow had the great interviewing skill as well as the nerve for collaring as elusive and

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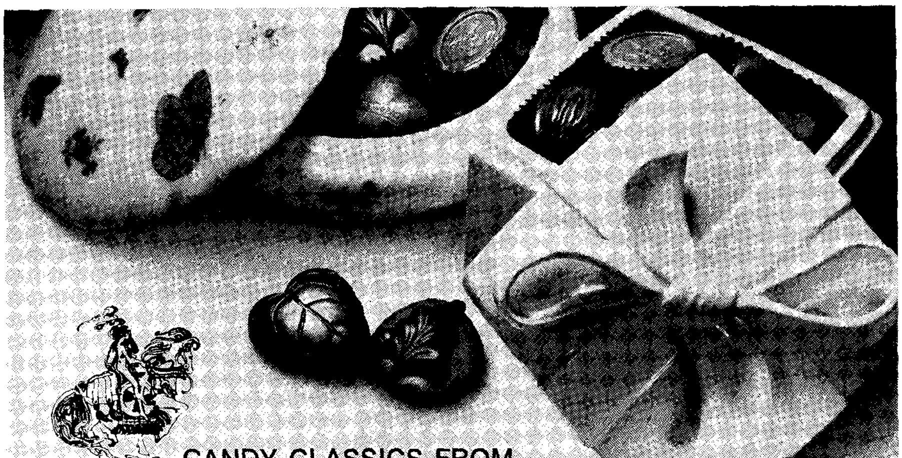

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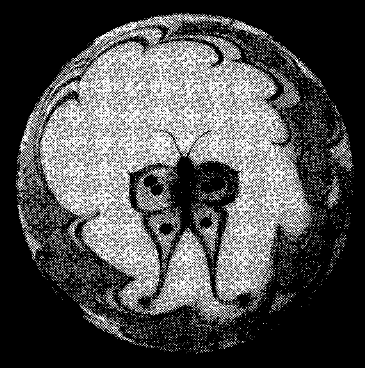

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complex a subject as Dr. J. Robert Oppenheimer and creating a classic television interview—all Oppenheimer. On "Person to Person," though, where Murrow was clearly one of the early brave pioneers in the unasked-for enterprise of bringing the print feature story to television, even the Master clearly showed signs of succumbing to interviewer's dengue. Herewith a sample (from this magazine's redoubtable files) of questions asked by Edward R. Murrow of the then Cuban Commander-in-Chief Fidel Castro, in February, 1959:

"Fidel Castro, I'm told you've just seen your mother. That must have been a great reunion. What did she have to say to you? . . .

"Well, Fidel Castro, when do you think you'll be with us again? Will that be with the beard . . . or without it? . . .

"Youth is a wonderful period. Sometimes I'm afraid we remember that too late. . . .

"Thank you very much, Fidel Castro, for letting us come to see you in your hotel in Havana."

However, *even this* seems to be at a loftier level than the dialogue of another great interviewer, Ed Sullivan, who was also in Havana during the month of February, 1959.

"I heard you were Cawm-oo-neest," said Mr. Sullivan. "Were you Cawm-oo-neest?"

"No," Castro started to say, but Mr. Sullivan interrupted. "I saw scapulars around your men's necks," he said. "You're not Cawm-oo-neest. You're *Catholic*, Fidel!"

With such examples from the Golden Age, our modern interviewers have little place to go but up.

—MICHAEL J. ARLEN

•

Most Chinese non-Christians are agnostic, said Mr. Lai, because they haven't the facilities to practise their former religions such as Buddhism. There are no temples in Ottawa. Some lean to Confusionism, particularly the older persons but this is more a philosophy of life than a religion, Mr. Mak said.—*Ottawa Journal.*

The older you get, the more confused everything seems anyway.

•

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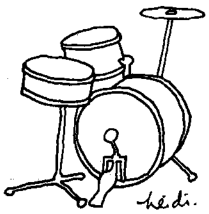
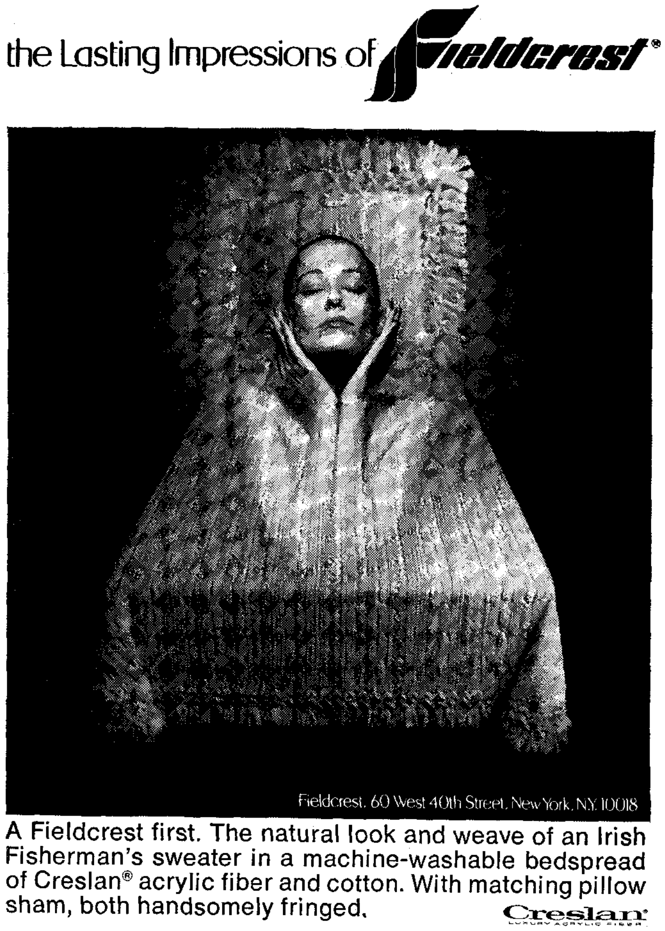
New York Notes



OCTOBER 28TH: When Bessie Smith died, in 1937, because of the injuries suffered in her notorious automobile accident, she was in double eclipse. She had sunk almost completely out of sight in the black world, where for much of the twenties she had been a superstar, and she was still on the verge of rising in the white world, where she had been known mainly among musicians and such black-oriented primitivists as Carl Van Vechten. But the countless hands that would fashion the looming image Bessie Smith is today went to work almost immediately. By 1940, Billie Holiday, acknowledging Bessie Smith's influence, had become a great singer, and a decade later Dinah Washington, another admirer, had become the most persuasive and pervasive female singer since Holiday. During the fifties, Bessie Smiths proliferated, and some of their names were Mahalia Jackson, Lizzie Miles, Barbara Dane, Juanita Hall, and La Vern Baker. And at the end of the decade Edward Albee staged his affecting "The Death of Bessie Smith." Bessie Smith reached her present stature during the late sixties and early seventies. Janis Joplin embraced her, and Bobby Short, long a Smithophile, made her songs a permanent part of his repertory. Columbia reissued all one hundred and fifty-nine of her extant recordings, a tombstone was at last put on her grave, and a biography by Chris Albertson was published. Now still two more Bessie Smith singers have appeared—Carrie Smith and Linda Hopkins. Linda Hopkins, indeed, has worked her way via Los Angeles, San Francisco, Washington, and New York clubs to Broadway with an ambitious musical evening called "Me and Bessie," and it is at present on view at the Ambassador.

It's a curious and ultimately frustrating show. It wrongly plays footsie with Bessie Smith. She was, by all contemporary accounts and the tantalizing glimpses of her in the famous short "St. Louis Blues," an empyrean performer. With her great voice and flashing eyes and regal motions, she truly enthralled her audiences. But right away Linda Hopkins, who resembles Bessie Smith, tells us, "I ain't Bessie. But you know,



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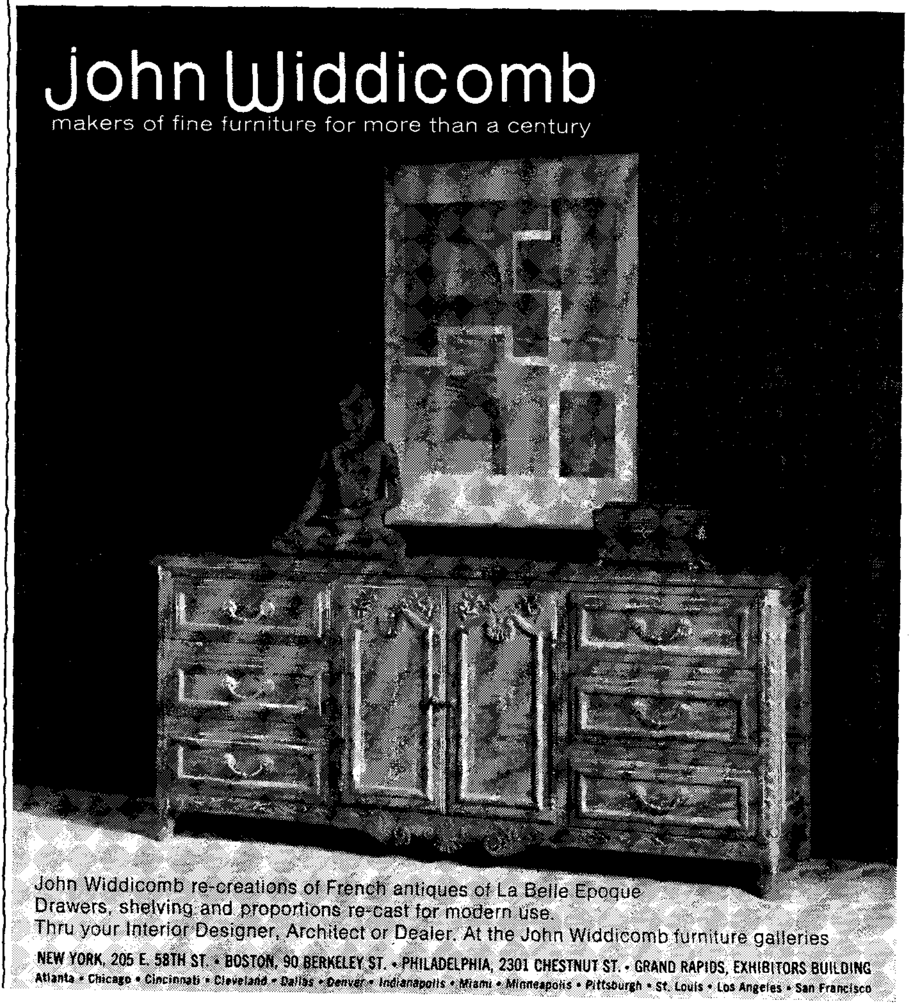

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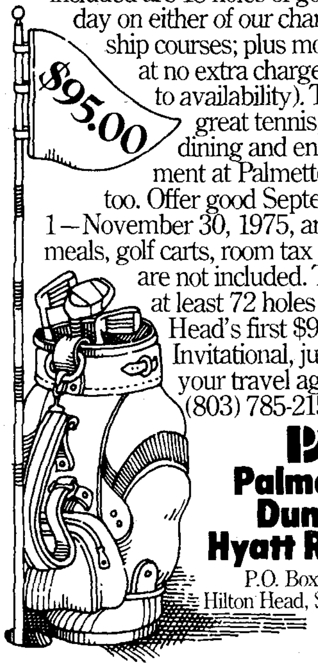

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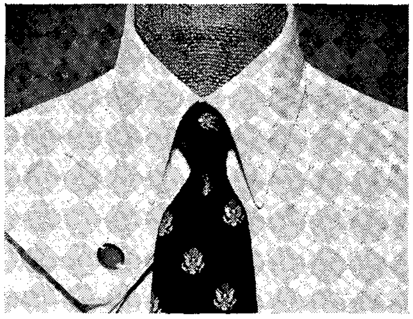

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there's a whole lot of Bessie in me." She continues this hide-and-seek all evening. Sixteen of the twenty-two or -three numbers she sings were recorded by Bessie Smith, but the rest are gospel numbers (Linda Hopkins started as a gospel singer), novelty numbers (Charles Davenport's venerable "Mama Don't 'Low It"), and Lil Green's "Romance in the Dark." And her singing style keeps revolving. She summons up Mahalia Jackson in her gospel songs, Bessie Smith in her blues, and Dinah Washington in her ballads. Her acting is equally changeable. She is skittish, solemn, raucous, prancing, leering, and little-girlish, and one suspects that this lack of focus, this lack of Bessie Smith *dignity*, is due to Robert Greenwald's jumpy directing. More cavils: a between-songs patter that has been devised by Will Holt and Linda Hopkins supposes too much knowledge of Bessie Smith; Linda Hopkins' Bessie Smith cloche hats and feather boas and immense, glistening gowns seem to wear *her;* the abstract setting is meaningless; and two figures, known as Man and Woman (Lester Wilson and Gerri Dean), detract from—with their dancing and posing and grimacing—rather than accent Linda Hopkins. For all that, she works so hard that she almost pulls off a tour de force. At moments in "Empty Bed Blues" and "T'aint Nobody's Bizness If I Do" and "Put It Right Here" and "Nobody Knows You When You're Down and Out" her voice and timing and appearance synchronize and Bessie Smith appears onstage. The fine little band is led by the pianist Howlett Smith, and it includes Dick Griffin on trombone, Lenny Hambro on reeds, Bob Bushnell on bass, and Ray Mosca on drums.

—WHITNEY BALLIETT

•

WELLINGTON (AP)—Cyril Chapman, 73, has just had his 80th child.

His present wife—his second—gave birth to 16 of the family. Ten still live in the parental home at Tutekahua, population 39.

Chapman supplements his state pension and child allowances by catching fish and growing vegetables.—*Troy (N.Y.) Record.*

Tell us a little about the first wife.

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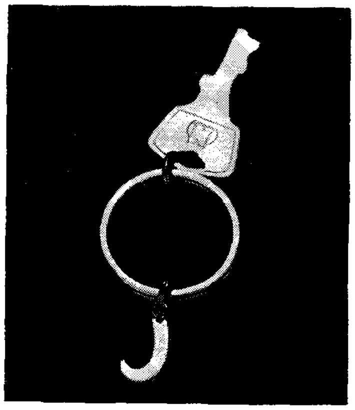

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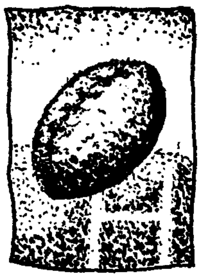

THE first weekend in November is by accident if not by design a proving ground; the shape of what is to come can by then usually be discerned. But the proximity of Halloween must account for some of the unpredictable events of Saturday last: Columbia 42, Cornell 19—a figment of the imagination, surely, unless one watched Columbia's Delaney, newly content with simply handing the ball to Jackson or pitching it out to him, run the score to just about whatever he wanted. Lehigh 38, Colgate 6—a circumstance nearly beyond comprehension. Yale 16, Dartmouth 14—that, to the casual eye, seemingly adhered to the traditional formula for the annual meeting of these Ivy League veterans: hard-fought, no-quarter-given. But there was hobgoblinry in abundance in the happenings that brought about that tight count. For one, the fumble by Case, a Dartmouth quarterback unfamiliar to nearly all of us, which bounded, bewitched, half a dozen yards or so into the Yale end zone, where a comrade obligingly captured it for a most unlikely touchdown; this came about after Yale, under the burden of three penalties in a row, had had to kick off four times in a row—a Yale record, and maybe a world record, all hands agreed. For another, one Dartmouth penalty gave Yale an extra chance at acquiring a touchdown (the chance was made good), and a second, only instants before the day ended, helped Yale win the game with Carter's field goal, which went over the crossbar a couple of ticks after time had run out. Fencik, double-teamed by Dartmouth again and again, was the beneficiary of that second penalty; double-teamed or not, he managed to wriggle away from his pursuers often enough to snaffle four passes and another Yale record—seventy-four catches in his three seasons of duty. A catcher who a year ago was as celebrated as Fencik finally made it onfield for Princeton that weekend—Gropp, returned at last from the repair shop. He came up three times with the ball, but Beible, the Princeton quarterback, was sorely harassed by a Brown team that would not be refused. He was sacked six times—apparently a record, and an un-

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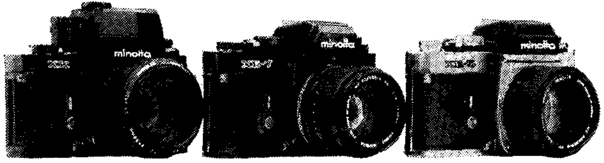

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welcome one, for him. The end total was Brown 24, Princeton 16. Bateman, at quarterback for Brown, had his best afternoon, all in all, this season, and we must look forward to the match with Harvard, it does seem, to discover, one week before the Ivy League closes down, who is to be on top. Violante, Brown's stalwart kicker, notched another field goal; Morrison, Princeton's stalwart kicker, kept pace with one of his own. Small stuff, in a way, when one moves on to ponder the footwork of Air Force's Lawson, booting out in Colorado against Army: Air Force 33, Army 3. In the course of the afternoon, he put the ball over the Army crossbar four times; by now he is weighted down with a great cluster of records, upon which he will have a few more opportunities to improve before he graduates. Harvard's Lynch drew the oddest assignment of the whole crew of kickers. Kubacki, Harvard's dizzy-making but skillful first-string quarterback, had badly damaged a shoulder, and Lynch, whose usual job has been putting over field goals, was called upon to serve in his stead. And serve he did: a hotshot pass from him to McDermott in the Pennsylvania end zone gave Harvard its third touchdown and an almost offhand triumph, at 21–3, over a Pennsylvania that could move the ball less than a hundred yards overland—most likely because of the enforced absence of the injured Wixted. —J. W. L.

•

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There is fog on the Thruway,
Many wet stones gaping like
A mouthful of old teeth, a
Tattered kite of leaves strewn
Through the long fingers of
A maple.

Another mile and it is the kite
You lost twelve years before.
A wild dog barks in the doom
That's settled behind what
You remember.

Three more hours of watching
Your hands as if they were
The last two leaves of autumn.

The mountains rise and turn,
Like the past raising
Its broad back.

—VICKIE KARP

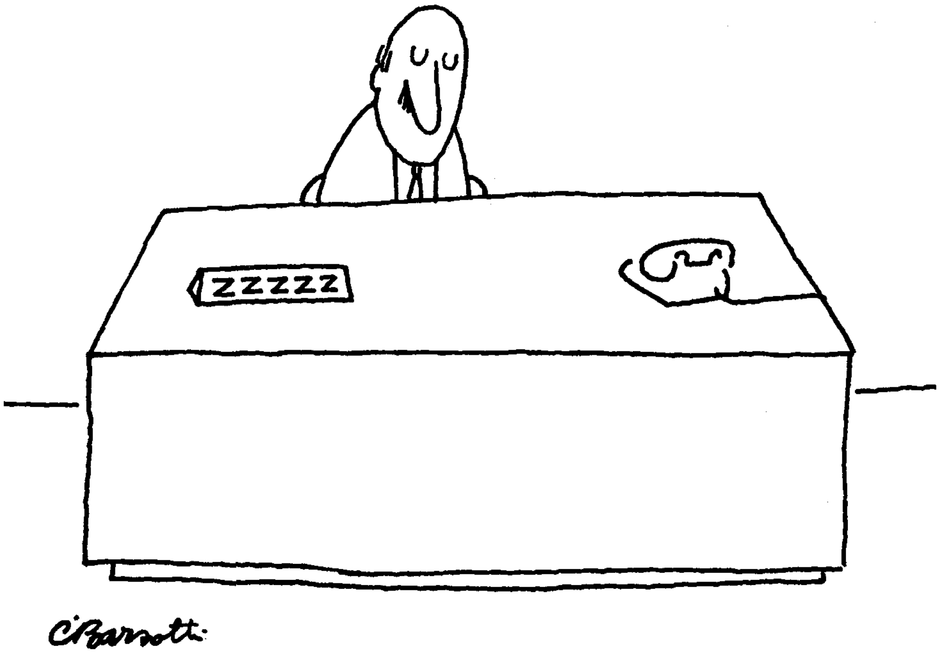
MUSICAL EVENTS

A Famous Victory

GRAND Handel productions in America have been few. There was "Alcina" in Dallas, "Giulio Cesare" at the State Theatre, and "Ariodante" in Washington. Now "Rinaldo," the first of Handel's London operas and the first Italian opera written especially for London, has had its American full-scale première, as the opening production of the Houston Grand Opera season. The performance was a success. Marilyn Horne, in the title role, was its commanding hero; Noelle Rogers, Evelyn Mandac, and Samuel Ramey were in strong support. Frank Corsaro and Franco Colavecchia, the director and designer of the show, put on an attractive spectacle with decorative dragons and other fabulous beasts, large chariots, athletic armies, and monstrous engines of war. A wrongheaded declaration of Mr. Corsaro's in the program—that "Handel's tongue was in his cheek during much of the writing"—made one fear the worst, but in the event the director did not poke fun at the opera; instead, and rightly, he made the magic transformation scenes, the pitched battles, the enchanted bark gliding through siren-infested waves fun to watch, while encouraging his audience to take seriously the accomplished singing and the sentiments it expressed. All this was aptly in the spirit of the opera's originator, Aaron Hill, the young director of the Queen's Theatre, where "Rinaldo" had its first performance, in 1711. In dedicating the libretto to Queen Anne, Hill told how he had "resolv'd to frame some Dramma, that, by different Incidents and Passions, might afford the Musick Scope to vary and display its Excellence, and fill the Eye with . . . delightful Prospects, so at once to give two Senses equal Pleasure." At London productions of "Rinaldo" in 1961 and 1965, the audiences were on occasion moved to ripples of mirth. The fact that the piece was sung there in English translation may have had something to do with it; in Houston, the original Italian of Giacomo Rossi, who versified Hill's drama, was used, and that left some of the plot's less plausible turns in decent obscurity. (But there are, as always, two sides to the translation question. Unless an audience has pretty good Italian, it may find the sense of lines like "Sibillar gli angui d'Aletto,/ E latrar vorace Scilla" and "Il Tricerbero humiliato/ Al mio brando renderò,/ E d'Alcide l'alto fato/ Colà giù rinoverò" hard to follow when they are sung, and that sense is necessary to full appreciation of the aria concerned; for example, the angry hissing of Alecto's serpents is what the violins portray when the first lines quoted are sung. Addison, a stern critic of "Rinaldo," was right when he declared that going to an opera without understanding the language in which it is performed is "an absurdity that shews itself at first sight." And Dr. Burney was right when he declared that "the vocal Music of Italy can only be heard in perfection when sung to its own language and by its own natives, who give both the language and Music their true accents and expressions." Best, therefore, to leave the houselights up and provide bilingual librettos; that's what Handel himself did.) The Houston audiences did not laugh at or mock "Rinaldo;" they smiled happily at its diverting extravagances—and they behaved badly only when they applauded what pleased or entertained the sight while fine music was still sounding.

Handel was serious when he wrote "Rinaldo"—not in the manner that prompted later, finer operas more carefully constructed and more interesting in their dramatic lineaments ("Giulio Cesare," "Tamerlano," "Alcina," to name but three), but in his intention of showing mastery of dramatic music in all its variety. He borrowed hit numbers and successful ideas from earlier compositions. He used a large orchestra. He brought the first act to a close with an aria di bravura for his hero, a solo violin, and a solo bassoon in concert, and the second with an aria for Armida that he himself embellished with brilliant improvisations at the keyboard. Act III comes to a climax in "Or la tromba," "an excellent air of spirit" (Burney), in which Rinaldo alternates with four-trumpet fanfares or vies in duet with the first trumpet. Miss Horne sang Rinaldo's virtuoso music in flexible, dashing, exhilarating fashion, and his pathetic numbers with a fine and imaginative control of tone and phrase. Casting a heroic castrato role is no problem when there is a singer like this to astonish us with her ringing, accurate divisions and move us by her expressions of tender grief. Handel's first Armida, Elisabetta Pilotti-Schiavonetti, was a coloratura whose voice ran to the high C; in Houston, Miss Rogers went even higher, to D. She made a lively and appealing sorceress. Miss Mandac, as Almirena, carolled sweetly to the pretty, warbling choir of birds in the aria "Augelletti" (represented in Houston by a piccolo and two flutes, in place of Handel's recorders), and phrased the celebrated "Lascia ch'io pianga" in full and moving tones. Mr. Ramey, as Argante, the pagan King of Jerusalem, sang definitely and fluently. As Godfrey, the Crusader general, John Walker lacked effectiveness, but the role in its tenor form is unrewarding—and that brings us to the question of the new edition that Martin Katz compiled for this Houston production.

In the first version of "Rinaldo," Godfrey was a part composed for a woman. Twenty years later, Handel recast it for a tenor. But this 1731



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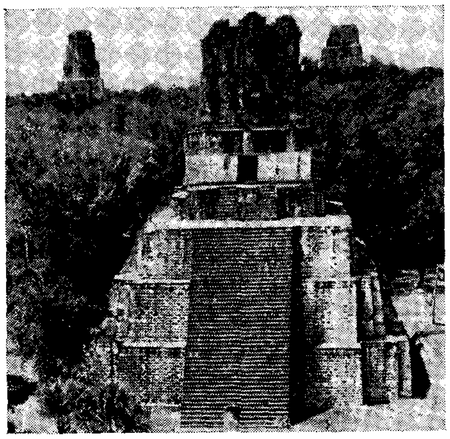

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"Rinaldo" is, in Winton Dean's words, "a monumental example of the artistic vandalism Handel often practised on his own works after the ardour of composition had cooled," and we should have nothing to do with it—beyond, perhaps, welcoming the elimination of the irrelevant character Eustazio and his five arias. In 1711, there was only one low voice, the bass Argante, among the principals; in 1731, there was again only one, the tenor Godfrey, since in this version Argante becomes an alto. But Mr. Katz combined 1711 and 1731 to obtain both a tenor and a bass in the cast. And he did worse things. The finales of Acts I and II both consist of paired arias; before the arie di bravura already mentioned, there are arias of tender sentiment—one in the relative and the other in the tonic minor; the effect is kin to that of cavatina-plus-cabaletta. But Mr. Katz severed Rinaldo's "Cara sposa" from its bravura companion piece, at the close of Act I, and placed it as a finale to Act II. In Act II he cut altogether the poignant accompanied recitative that should introduce Armida's finale, moved its fast section to an earlier position in the act, and—unforgivably—broke the heart of it, "Ah! crudel!," into two separate numbers inserted into Act III. This kind of tinkering with Handel's carefully planned sequences is monstrous. It was also ineffective. Mr. Katz's crosscutting between Rinaldo's trumpet aria and the battle music was more acceptable, for aria-plus-battle did come off as a tremendous set piece; Miss Horne directed operations from aloft while, below, Mr. Corsaro and his choreographer, Eugene Collins, provided a whirlwind fight in which dancers and local gymnasts were joined. (Blunt, monosyllabic names like Brad, Steve, Jeff, and Beau made a surprising appearance in an *opera-seria* program.) It was perverse of Mr. Katz to substitute, for Rinaldo's "Il Tricerbero humiliato" (a piece that would have suited Miss Horne very well, and one of Rinaldo's hit tunes), an air from "Partenope," and to add a duet from "Admeto" to Act III. In the October issue of the magazine *Opera*, Winton Dean, celebrating the twenty years during which the Handel Opera Society and other small companies have brought back thirty of Handel's forty operas to the British stage, castigates the New York "Cesare" and the Washington "Ariodante" for "a new form of barbarity . . . shifting arias or duets from their proper contexts to positions where they make total nonsense." A pity that Houston should have

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followed suit: just about everything else was so stylishly achieved. Except, perhaps, some adornments to the vocal lines which, instead of enhancing their original expressiveness, amounted to new composition. Miss Mandac turned the reprise of the unison aria "Bel piacere" (also displaced, incidentally, from Act III to Act I) into a two-part invention, and she obscured the lovely melody of "Lascia ch'io pianga" during the repeat. The British productions that Mr. Dean mentions have "in one respect nearly all . . . been defective: they have found no equivalent for the baroque love of elaborate spectacle." And the campaign for Handel "will not be finally won . . . until our professional opera houses at last get down to tackling his operas in productions that do justice to their large-scale design, involving music, drama, scenic spectacle, and sometimes ballet in a comprehensive unity." Editing apart, this full-scale Houston "Rinaldo," ably conducted by Lawrence Foster, represents a notable victory in that campaign.

AT the Juilliard School, last week, a production of "Dardanus," by Rameau, Handel's contemporary, filled the Juilliard Theatre. A devoted *ramoneur*, I delighted in this opportunity of seeing and hearing the score, or at least large parts of it, take shape in sight and sound. It was done not complete but in substantial excerpt, with a linking narration. The scenes, by Robert Yodice, and the costumes were drawn mainly from Juilliard stock, and were sensitively lit by Peter Earhardt. It was a simple but attractive production. A special feature, which set it aside from the few other Rameau stagings that have come my way, was Wendy Hilton's choreography, built from eighteenth-century steps. Rameau has been called the greatest ballet composer of all time, and dance is an essential element of his lyric dramas. His dance music vividly suggests physical movement, and, conversely, Albert Fuller, who directed "Dardanus," has said that his instrumentalists have been inspired to stylish articulation and phrasing by watching Miss Hilton's dancers in authentic action. In the earlier of its two versions (which the Juilliard used), "Dardanus" has a weak plot but a wealth of enchanting music; the revised version is tougher, but we lose the tender, flexible, and entertaining dream sequences of Act IV. The singers, all students of Beverley Johnson or Oren Brown, at the Juilliard, failed (with the partial exception of John Aler, in the title role) to declaim the

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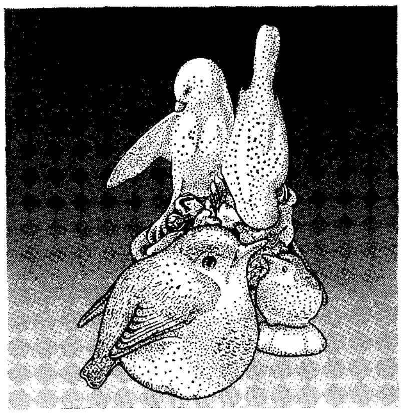

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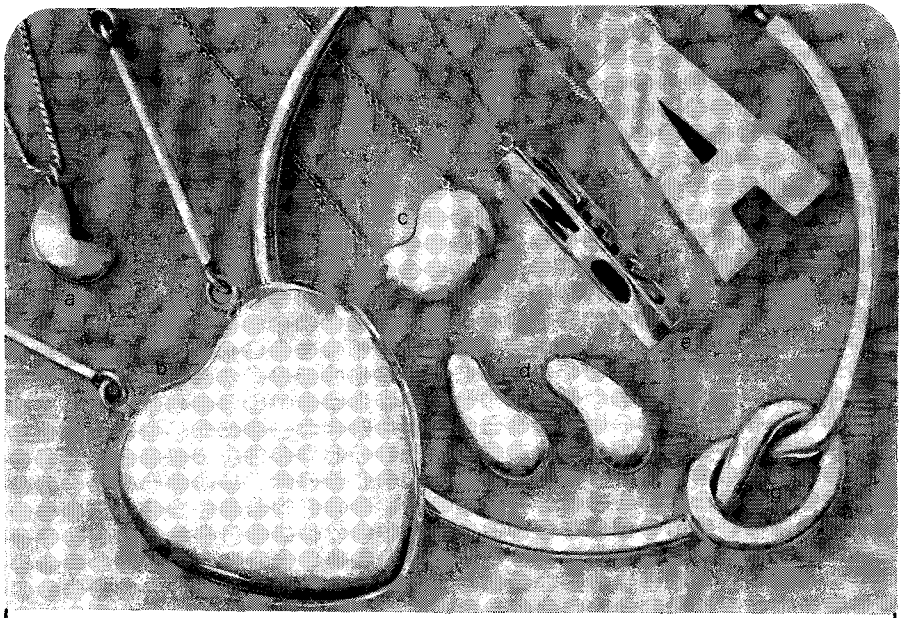

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text distinctly, with lively consonants and pure, forward vowels, and so something was missing. The show was a special project of the Juilliard's Dance Division and Mr. Fuller's baroque class. Enjoyable in itself, it could be a pilot to the full presentation of a Rameau opera for which the Juilliard is well equipped.

THE first new staging of the Metropolitan season—Patrick Libby's of "Così Fan Tutte"—was successful. By all the rules, the house should be too large for effective Mozart, and yet well-balanced productions of "Don Giovanni," "Die Zauberflöte," and now "Così" have provided some of my happiest evenings there. This "Così" was pleasing less for any individual vocal prowess than for being the kind of performance that makes one aware all over again what a beautiful opera it is. Kazimierz Kord, conducting, set some uncommonly slow tempi, and did so persuasively; a welcome chance of hearing in detail exactly what the music was doing—how the harmony moves, how line plays against line, color against color—was offered. The scenery is not new but Rolf Gérard's for the Alfred Lunt staging of 1951; it is slight, and has the merits of being uncluttered and unemphatic and of seeming to reduce the Met stage to a Glyndebourne shape and size. Mr. Libby's staging has the great merit of being lyrical and unclowned—a polished study of credible human behavior, not a romp; the drama was diverting, as "Così" should be, but also poignant. Four in the cast of six were Met débutants. Elizabeth Harwood's Fiordiligi was gentle, lyrical, and unexaggerated—"Viennese," sometimes, in the mannered way of sacrificing distinctness to a melting phrase, and always in the admirable way of voicing everything as beautifully as possible. Anne Howells' Dorabella had character and finesse. Neither her voice nor that of her husband, Ryland Davies, the Ferrando, sounded quite first-rate, but she sang her two arias, and he his two (a third for Ferrando, "Ah lo veggio," was omitted), with style and subtlety. Guglielmo was Richard Stilwell. His baritone is uncommonly steady and definite, and in his performances there is always a hint of patrician reserve that is attractive. In this "Così," Guglielmo was the more earnestly romantic of the officers, Ferrando the more twinkly. The cast was completed by Colette Boky's lively Despina and a Don Alfonso, from Renato Capecchi, with very little voice (apart

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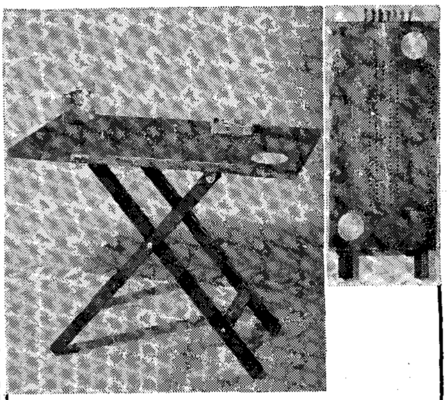

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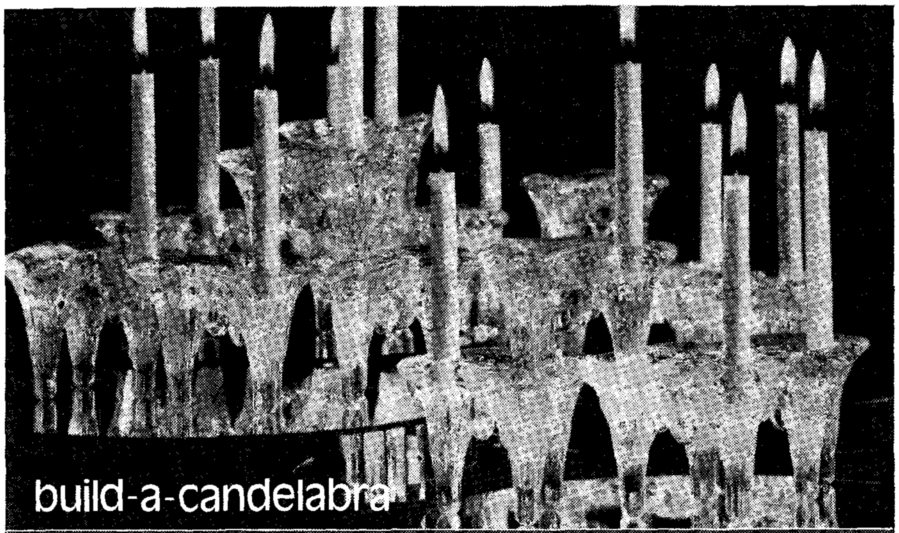
from the trio "Soave sia il vento," which he seems to regard as a bass solo while two voices murmur above) but prodigies of virtuoso inflection. This Alfonso suggested a Falstaff seasoned with a dash of Scarpia.

"Un Ballo in Maschera," the next day, was disappointing. There was a new cast. Teresa Kubiak has a voice for Amelia, but she sang the upward span of "Consentimi, o Signore" as disjunct notes, and elsewhere often failed again to join notes into a smooth phrase. Except in a delicately turned "È scherzo od è follia," Nicolai Gedda, as Gustavus III (alias Riccardo—but the Met uses a royal Stockholm and not the Boston Colonial setting), gave the impression of trying to sing loudly and merely achieved monochrome timbre as a result. Never much of an actor, he affected a curious waddle rather than romantically striding the stage; it may have been a halfhearted gesture in the direction of Goeran Gentele's Stockholm production of the opera, in which Gustavus (very much against the spirit of Verdi's score) was played as a flittery queen. Louis Quilico's Anckarström was solid of voice but also solid in manner. Maureen Forrester did not carry the guns for Ulrica. Roberta Peters' sparky, dapper Oscar was the bright spot of the show. The prompter was in good voice. The production is an old one, by Günther Rennert, of 1962; Fabrizio Melano, who directed the revival, had not licked the new cast into a coherent shape, and Henry Lewis, who conducted, let fall to pieces a score usually notable for its unbroken progress.

These comments are based on the first night. "Ballo" probably became better. Opera performances generally do, and it is an unfortunate convention that makes the first night the review night. Had I seen the Met's new staging of "La Gioconda" only when it opened, I should have written about it more coolly than I can now, after having returned to it last week. Martina Arroyo's first Gioconda was mild and rather undramatic; her fourth was passionate, both amply and powerfully sung. She lacks a strong, incisive low register, which is precisely where a Gioconda is expected to make many of her most telling effects, but only in that respect is there now any serious failing. Giorgio Casellato-Lamberti, the Enzo, is a handsome tenor with a voice that on the first night was serviceable but unremarkable and on the fourth night rang out fully and freely. Matteo Manuguerra's keen Barnaba became more imposing. From the start, Mi-



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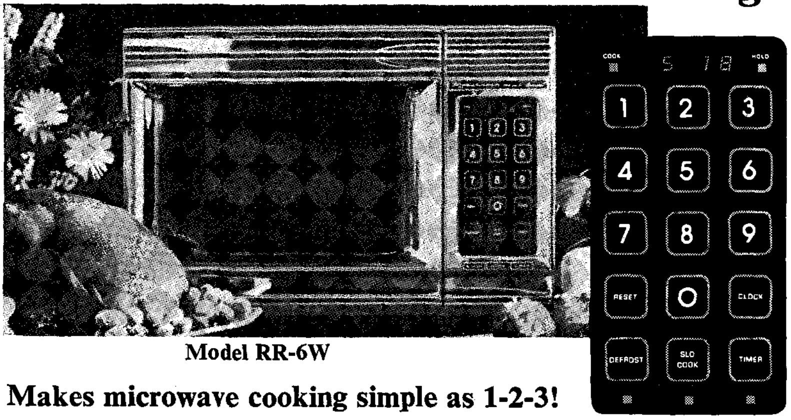

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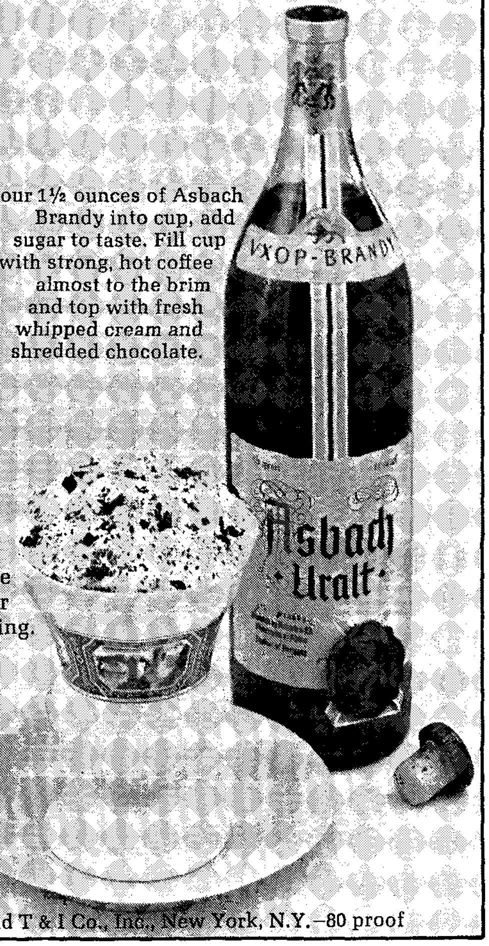

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gnon Dunn was a striking Laura. Opera criticism has other variables that must be taken into account. I should add that at my second visit I had a seat where both sight and sound were better. (On what quicksand foundations assertion and assessment can rest! An interpreter of genius may reverse long-accepted judgments overnight; a performance ineffective in one part of a theatre can prove overwhelming to listeners seated elsewhere.) At any rate, the sum of these gains made into a dramatic event what had previously seemed a ponderous, creaky old vehicle inadequately occupied. John Dexter has restaged the work in Beni Montresor's opulent scenery of 1966, and has evidently essayed no more than minimal direction ("You move here, then you move there; in this scene, chorus, you all have fans, and you stand round the sides and fan yourselves"). "La Gioconda" calls for traditional staging. This is an undistinguished example of it, but at least preferable to a positive, resolute inscenation that—like Mr. Dexter's of "Les Vêpres Siciliennes"—swears at the style of the opera in question. It allows scope to the singers instead of straitjacketing them. The lighting, based on head-and-shoulders follow-spots, is crude, and Louis Johnson's choreography for the Dance of the Hours, classroom-classical, simply evades the problem that Mr. Montresor in his décor has solved so well—presenting, to twentieth-century eyes, a nineteenth-century view of seventeenth-century Venice. David Stivender's chorus was in peak form.

THE City Opera's new production of "The Mastersingers of Nuremberg" (the work is given in John Gutman's English translation) is less than a triumph. On the first night, it was not particularly well sung, staged, or conducted. Nor particularly badly. It was a fairly enjoyable presentation of a work that should be profoundly stirring. But the State Theatre is a notoriously unsuitable house for opera, and especially for an opera as warm and full in tone as "The Mastersingers." So I prefer to withhold detailed comment until I have a clearer idea what may be right and what wrong with its execution, and what is simply acoustic diminishment of its splendors.

—ANDREW PORTER

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THREE TENANTS OF THE RESTORATION SHOPPING CENTER

EDWARD L. BOOTHE, DENTIST

DR. EDWARD BOOTHE was not one of the prospective tenants of the new Restoration Shopping Center who had to be convinced that doing business in the middle of Bedford-Stuyvesant would be safe; it would obviously be safer than where he was doing business at the time. Some of the companies that were persuaded by the Bedford-Stuyvesant Restoration Corporation to put branches in the shopping center—Lerner Shops or Smart Size or In Jeans—may have treated a move to Bed-Stuy as a sort of risk venture, in the same sense that opening a branch these days in, say, Lisbon or Beirut or Belfast might be a risk venture. But it did not seem risky to many of the black businessmen and professionals who rented the smaller shops and office suites—their alternative being not a spacious outlet in a well-kept suburban shopping mall but a vulnerable storefront in a chancy neighborhood. The center, like a lot of building complexes put up in urban black neighborhoods, faces inward; it is built around a brick courtyard and an ice-skating rink. It has a full-time security staff and conscientious management by an organization that has become the prototype for community-development corporations in America. Compared with the Ebbets Field shopping center, where Dr. Boothe had conducted his practice since 1966, the Bedford-Stuyvesant Restoration Shopping Center is Fifty-seventh Street and Fifth Avenue.

Dr. Boothe, a soft-spoken man in his early fifties, grew up in North Carolina. Like a lot of black professionals of his generation, he got a late start. He did not go to dental school until he was thirty-four, after having spent eight or nine years as a caseworker for the New York City Welfare Department. As a young man, Boothe wanted to be a doctor. During the Second World War, he seemed about to be able to attend Meharry Medical College, the black medical school in Nashville, under the Army's medical-education program, but his unit was sent overseas. After his discharge, he applied in the postwar rush to both Meharry and Howard medical schools, but he was not accepted at either. It never occurred to him to apply to a white medical school. He says now, "I didn't even know of anybody who had gone to a white medical school."

Boothe's first dental practice was in Waterbury, Connecticut. He took over the practice of a black dentist who had died—a practice that changed in racial composition as the neighborhood changed, from about half white to all black in four years. When his predecessor's sons were ready to take over the practice, Boothe returned to New York. He happened to see the Ebbets Field housing project not long after it was completed, while he was visiting Brooklyn with a friend. It was new and it looked lovely; there was not a dentist's office in sight. Boothe took an apartment in the housing project and an office in the shopping center. The practice he built up consisted largely of his neighbors in the Ebbets Field housing.

Over the years, most of those people moved away, driven out by the deterioration of the apartments and the neighborhood. Dr. Boothe himself moved out of the apartments shortly after returning from a dental convention in San Francisco to find that two elderly women who lived on his floor had been robbed at gunpoint one day as they got off the elevator. The shopping center that had seemed so promising when Dr. Boothe first saw it seemed to lose tenants faster than it attracted them. A Chicken Delight franchise closed. The supermarket changed hands a few times and then shut down for good. Eventually, there were only three or four tenants left in the shopping center—all of them frightened. The son of the man who ran the dry-cleaning shop was shot during a holdup, and the proprietor of a luncheonette around the corner was stabbed to death.

The cleaner will presumably be the last to leave; the business he has built up is tied to the neighborhood. But Dr. Boothe's practice had gradually changed from Ebbets Field patients to patients from other parts of Brooklyn—many from Bedford-Stuyvesant. Now that Medicaid covers most dental

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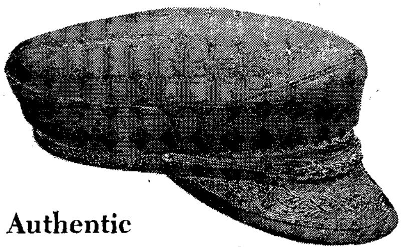

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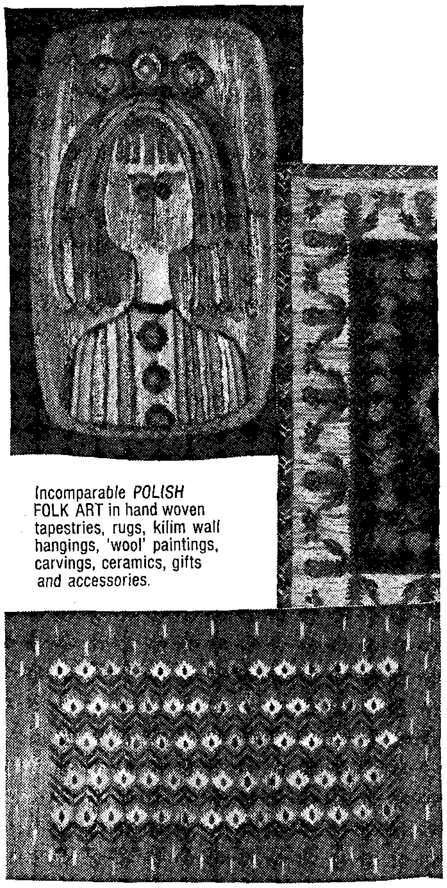
work, there is no shortage of patients, even in poorer neighborhoods like Bed-Stuy—where the unemployment rate remains at least twenty per cent—but there is a shortage of safe and well-kept places to treat patients. Dr. Boothe happened to be along one day when his accountant drove to the Restoration Shopping Center to inquire about space. Boothe quickly decided to move himself. His office, like a lot of the shopping center, looks as though it belongs in the comfortable suburbs—thick carpet, deep leather couch, abstract sculpture. On the other hand, he says, his office in the Ebbets Field shopping center was equally nice. Boothe thinks the neighborhood is more important than the interior décor. What encourages him about Bedford-Stuyvesant is not just that the shopping center seems secure and well maintained now but that, because of the Restoration Corporation's steady progress in renovating both residential and commercial buildings, the immediate neighborhood seems likely to improve rather than deteriorate during his remaining years in dentistry. "Otherwise," he said recently, "you could move and then ten years later the same thing could happen again."

WILBERT CONNELL, NEWSSTAND PROPRIETOR

FOR Wilbert Connell, the newsstand concession at the Restoration Shopping Center represents an expansion. Connell's main business is a grocery right across Fulton Street from the entrance to the center, in a line of storefronts that contrasts with the dark-brick façade and the jazzy angles of the shopping center like part of a before-and-after shot. The awning on Connell's store says "Jitney Superette." At first glance, it seems to have the normal features of the tiny food stores found in any urban black neighborhood. A tray displayed for sale in the front window is decorated with a picture of Martin Luther King, Jr., flanked by John Kennedy and Robert Kennedy. Inside, there are three kinds of No Credit signs on the wall. There is a machine for making crushed ice that is served in paper cups with flavoring added. Loose cookies are available in large jars that, according to their lids, once held pickled pigs' feet or pigs' knuckles or Polish sausages or pigs' ears. But the store also has hints of the Caribbean. Signs in the window advertise green pigeon peas, a type of pea grown in the West Indies, and Original West Indian Meat Patties. The shelves hold, in addition to the



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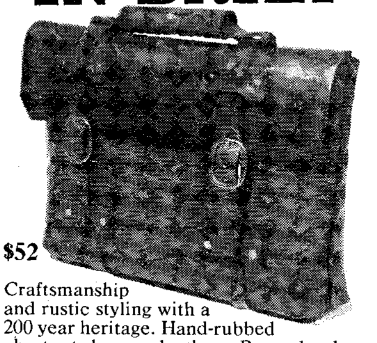

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usual cereal and dog food, calalu from Jamaica and hot pepper sauce from Barbados. The heated case that holds the meat patties, which are delivered every day from the Bronx, also holds Barbadian codfish cakes that Connell himself makes every morning in the back room of the store. Jitney Superette, it turns out, is merely a name left over from a previous proprietor. The true name of the store, Connell says, is Carib Food Center. Connell is from Barbados, and sufficiently proud of it that his inclination of whose picture to put on a souvenir tray would probably be not Dr. King and the Kennedys but the Queen. Among American blacks, West Indians are often considered haughty about their origins; Barbadians are considered haughty about their origins even among other West Indians. Barbados, an island long known for its political stability and its high rate of literacy, is sometimes called Little England. Connell, who spent a few years in London working as a carpenter, thinks of England as Big Barbados.

Connell wears a narrow-brimmed hat and a small, square mustache. He speaks rapidly enough to get out thirty or forty per cent more words per minute than most people do—a facility he often uses to distribute additional information about Barbados. Although he has been in the United States only a dozen years or so himself, there has been a solid West Indian community in Brooklyn for fifty or sixty years. "This whole neighborhood is owned by West Indians," Connell says. "Some people own five, six, seven houses." The same point is often made by American blacks, but not in the same tone of voice. Like a lot of West Indians in New York, Connell often sounds impatient with local conditions—the custom of allowing young people to hang around the streets instead of going to school, for instance, or the fact that they don't seem to learn much in school when they do go. ("In Barbados, we have English education—the best education, the real thing.") But Connell doesn't like being thought of as a foreigner. He points out that, because of the vagaries of the slave trade and the size of the first West Indian settlement in Brooklyn, some of the people who resent him as a foreigner may well be his cousins. "If they allow me to be," he says, "I'm everybody's friend."

Connell's participation in the Restoration Shopping Center came about, indirectly, from his codfish cakes. Benjamin Glascoe, who is in charge of renting the stores and offices in the

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enter, usually has his lunch at Connell's store—standing in the back, balncing codfish cakes and a soda on one f the counters. Glascoe says he eats t Connell's partly as a way of escapng business problems in the middle of he day—an impossibility when eating n the New Calabash, a well-appointed estaurant beneath Restoration's offces—and partly because he finds it difcult to resist Connell's codfish cakes. Glascoe has the look of a serious eater. He is a huge, affable man who was n charge of Restoration's community rograms until the corporation reazed that it might make more sense to rain a community organizer in shoping-center leasing than to hunt for a hopping-center leasing agent who had ny feeling for Bedford-Stuyvesant. When it was decided that the space riginally designated as a guard's booth would be a newsstand instead, Glascoe alked to Connell about taking the conession. Connell, who already works rom early in the morning until midight at his store, installed an employee n the newsstand and dashes back and orth across Fulton Street himself hroughout the day. He is enthusiastic bout the shopping center and even more enthusiastic about the renovation hat the Restoration Corporation is lanning for his own side of Fulton. His main supplier of West Indian goods went out of business some time ago, ut he hopes to find another way to tock a newly renovated store with ems like fresh crabs and maybe even ea urchins. ("Milk from that thing—ou could be sick, that would make ou so strong.") He says, "I want to make it more West Indian—a real West Indian center altogether."

HERBERT L. NELBETT, ACCOUNTANT

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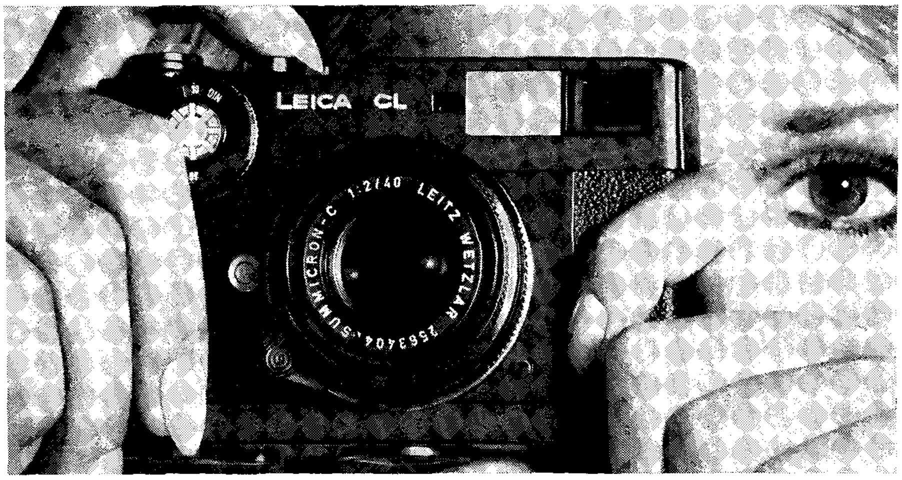

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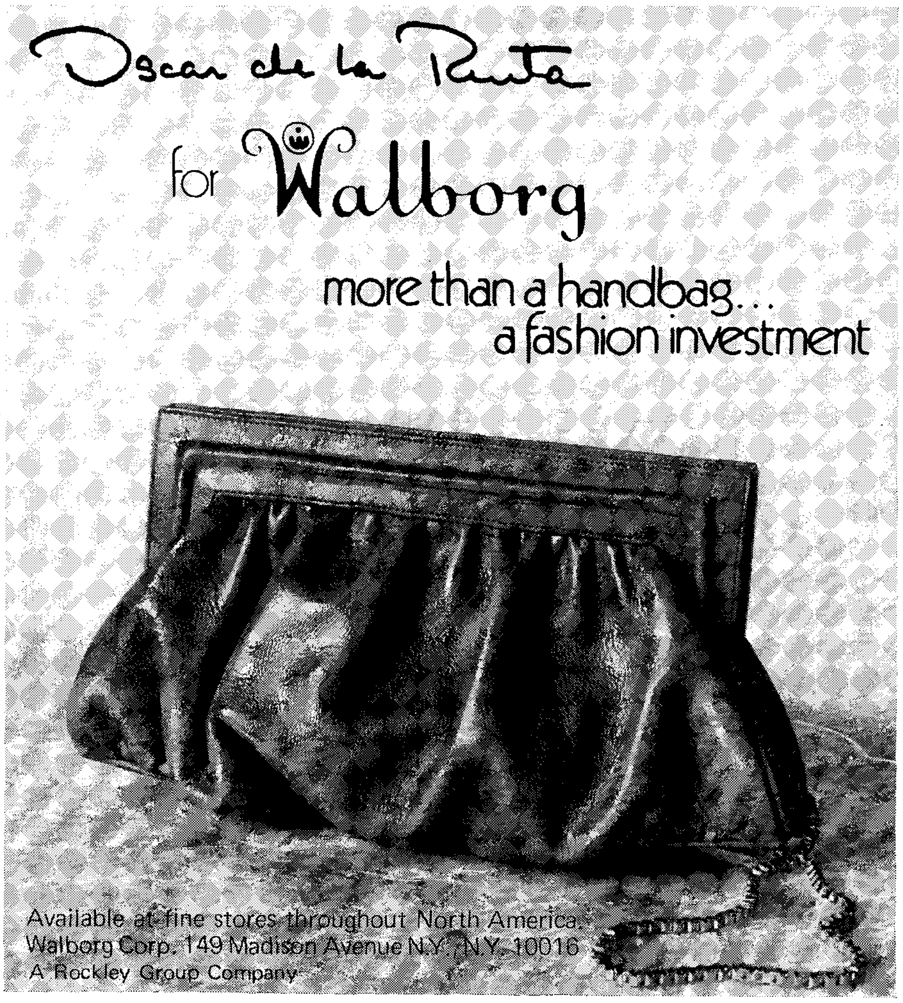

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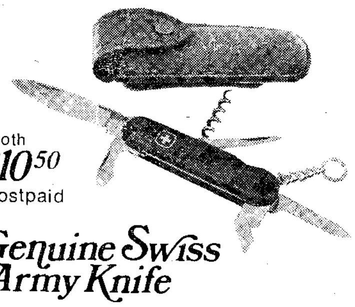

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again—in an office at the Restoration Shopping Center. He is the accountant who was accompanied by Dr. Boothe while looking for office space.

Nelbett's career seems to have been much more affected by external forces than the career of a white accountant might have been. He graduated from college at a time when no large firms seemed to be hiring black accountants or even black bookkeepers; he says the kindest advice he got while job hunting in New York was from a businessman who told him he should be realistic enough to accept a job with the firm as a truck driver. Fifteen years later—at a time, as it happened, when Nelbett was looking for young associates—black accountants seemed to be able to walk out of Howard and into Price, Waterhouse. (Some of the businesses in the Restoration Shopping Center are run by black people young enough to have had entrée to white corporations; there is a leather shop operated by a young man who spent several years working for the Edward Durell Stone architecture firm, and a boutique run by a young woman who was once a secretary at *Newsweek*.) There was a time when black accountants were kept busy setting up traditional black businesses in places like Bed-Stuy—small groceries, for instance, and beauty parlors—and a time when the number of small groceries being opened was drastically reduced by the crime problem and the number of beauty parlors being opened was drastically reduced by the Afro. There was a time when black accountants made a lot of money out of the poverty program—each agency, after all, needed an accountant—and a time when the poverty program seemed to disappear.

Nelbett's brush with the New York rent-control law came in the easy-money years of the fifties. In partnership with a real-estate agent and an insurance agent with whom he shared offices, he bought up a lot of ghetto property through heavy first and second mortgages—the point of the business being to cover the cost of the mortgage payments and the bare maintenance with the controlled rents, on the theory that a large profit on practically no cash investment would come with decontrol. The junkies came first, Nelbett says, vandalizing apartments just to steal the copper pipes, and frightening tenants out. Nelbett has nothing left from his real-estate days, but his computer-service operation did leave him with a number of computer programs he had designed himself—payroll programs, for instance, that he

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believes are particularly strong in the kind of internal controls that "keep your bookkeeper from going into business with you." He still does some computer-service work; the signs on his office door include one for Mekadata Corporation, Data Processing. He is optimistic that the Restoration Shopping Center might be one external force that will work for him. While he is waiting for his next opportunity to make a million, of course, he still keeps up a practice in personal tax returns, as he did during his days as a real-estate speculator and his days as a computer-service specialist. "I never gave up my taxes," he says. "That's my bread and butter." —CALVIN TRILLIN

•

THE SINFUL CAR

I remember it well, once I've read that the American in grey flannel, dreams a coupé, a sport car. It means for him adventures, youth, love and lovers, but, at last, his car is a strong, solid, large limousine, like his wife, married after a lot of foolish experiences, is a good girl, good for making a lot of apple-puddings, a lot of nice fat babies. Sneering head-mixers in the Madison Avenue Publicity agencies, got hold of the idea to introduce on the american market the convertible hard top (you may easily read good, clever wife, occasionally charming bajadera) about 50nth a Chrysler best seller.

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Hope he's not too sick to fasten his seat belt.

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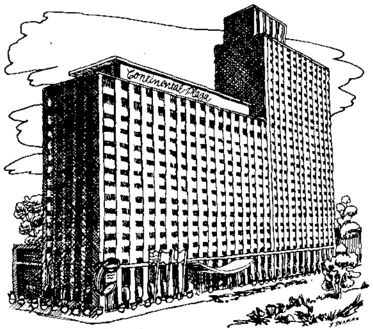

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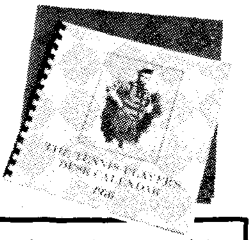
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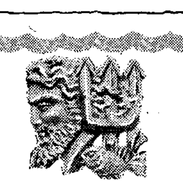
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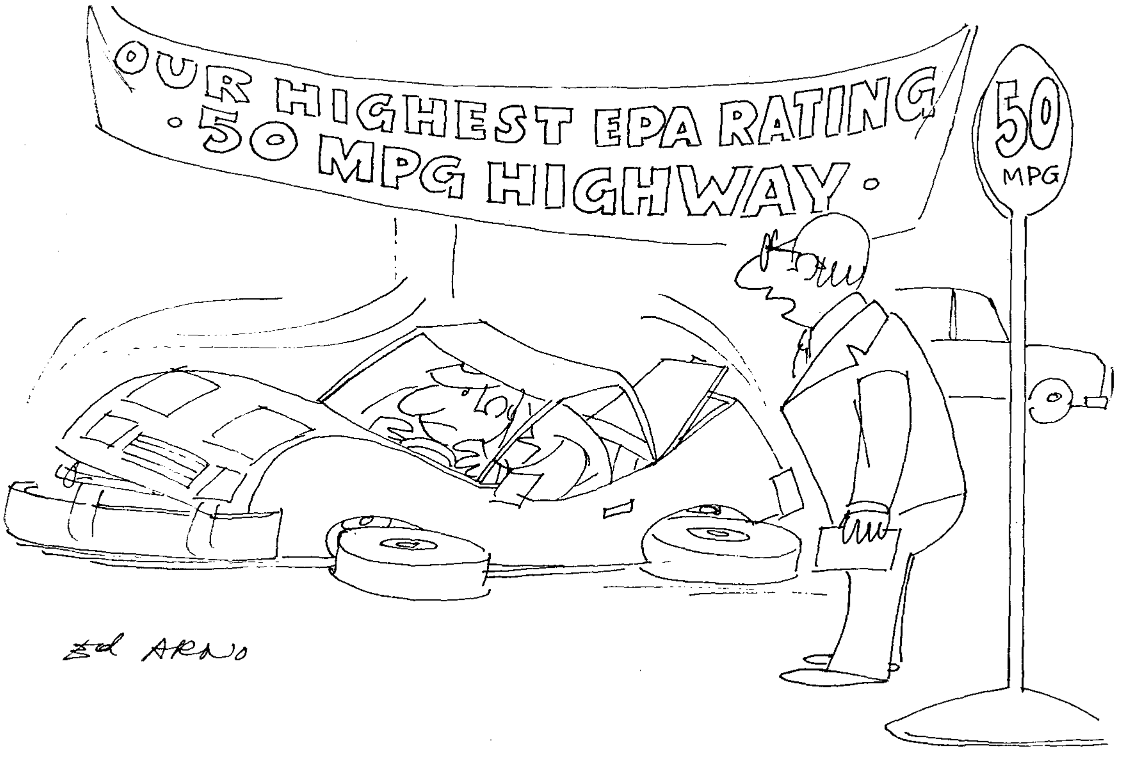
THE color imagery of Satyajit Ray's "Distant Thunder" is so expressive that I regretted the need to look down to the subtitles; it took precious time away from the faces and bodies, with their hint of something passive, self-absorbed—a narcissism of the flesh. The setting is a torpid Bengali village in the early nineteen-forties. Gangacharan (Soumitra Chatterji), a newly arrived Brahmin, is the only educated man for miles around; he's the schoolteacher, the priest, the doctor. The ignorant villagers treat him with reverence. "You are the jewel in our crown," they tell him, and he agrees. His condescension is all of a piece with his umbrella, his mustache and specs, and his preoccupied manner. He strokes himself in the moist, wilting heat; he sucks on a water pipe, inhaling wherever he goes—Gangacharan wants every kind of gratification he can get.

Soumitra Chatterji, Ray's one-man stock company, moves so differently in the different roles he plays that he's almost unrecognizable. He was the passionately romantic Apu in the last film of the trilogy, the husband in "Devi," the suitor in tartan socks and English boots in "Two Daughters," the guest in "Charulata," the handsome, arrogant leader of the four young men in "Days and Nights in the Forest." At first, his Gangacharan is almost physically dislikable—thin yet flabby, contemptuously pedantic; in the course of the film, as the feudal system that sustains this contempt is eroded, his body seems to change. The Second World War, which is so remote from the villagers that they don't know who is fighting, destroys the traditions that bind the community. The area is idyllically lush, but it isn't self-sufficient. When faraway supply ports for grain fall to the Japanese, and large shipments of food are needed for the Army, the price of rice soars. Speculators send it higher, and starvation and cholera will shortly follow. Famine approaches with the force of a natural disaster; the villagers are helpless.

During the early stages, the light is so soft, and the lily pads, the flying insects, the bathing women are so tranquil, that even when the women are hungry and picking snails out of the mud or digging for wild potatoes, the images are still harmonious. The film is delicately, ambiguously beautiful; the shadowing comes from our knowledge—and Gangacharan's knowledge—that the people we're looking at are endangered. It is a lyric chronicle of a way of life just before its extinction, and Ray gives the action the distilled, meditative expressiveness that he alone of all directors seems able to give. We're looking at something that we feel is already gone, and so the images throb. Or is it that *we* do? It comes to the same thing.

Whether intentionally or not, Ray has put something of himself into Gangacharan—of his own sense of guilt, of weakness, and of commitment. And something even more personal—his seeing the beauty in the Indian past almost completely in the women. The men in this village are ignorant and obsequious, and physically very unprepossessing; the rich ones hoard and profiteer, the poor panic, become violent, riot. But the women are conceived of as in a dream of the past—they might be iridescent figures on a vase. These women are uneducated and superstitious, they know nothing of the world outside; yet they're tender and infinitely graceful. Moving in their thin, clinging saris, they create sensuous waves of color in the steamy air. Gangacharan's bride, Ananga, is innocently childlike, undulant, luscious, with a pouty, ripe-pink underlip; the brilliant orange-red spot in the middle of her forehead is like a cosmic beauty mark. Played by the actress Babita (that should mean Baby Doll), Ananga is the Indian version of a Hollywood darling. She seems to have been created for the pleasure of men; she has been bred to think of nothing but her husband, and she finds her pride and her fulfillment in pleasing him. She wants to be a tempting morsel so that her husband can take a juicy bite.

Ananga is just the ornament to his existence that this preening Brahmin would have found; everything in the society appears to be designed to assuage his ego. Yet he's intelligent, and he's not a bad fellow—merely infantile. When he realizes that he can't fulfill his end of the bargain, and his wife must do demeaning work to get food for them, the whole basis of their relationship changes. Gangacharan begins to care about someone besides himself. He loves her now not because she takes care of him but because of how she feels about taking care of him. There are other actresses in the film with a fine-grained quality that goes beyond Babita's almost pornographic charm—the one who plays Moti, the Untouchable, and another who plays a woman who gives Gangacharan food to take home to his wife. They, too, are gentle and un-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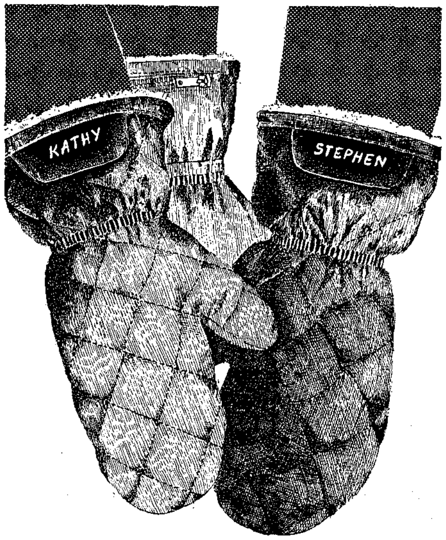

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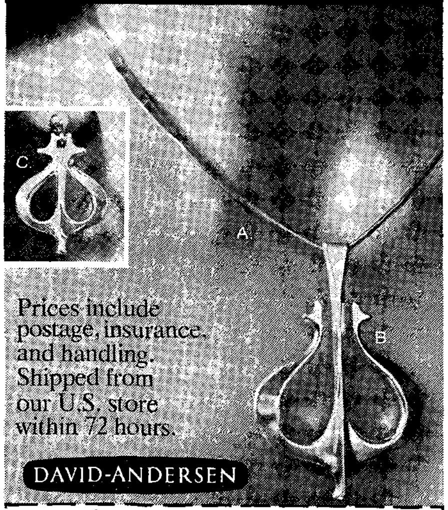

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demanding—ideal traditional women.

Ray is one of the most conscious artists who ever lived, and in this film he means to show us the subservient status of women; the children Gangacharan teaches (by rote, drumming information into them) are, of course, all boys. The women remain illiterate, and locked into the vestiges of the caste system—Ananga and Moti are friends, but if they touch each other Ananga bathes. However, I wonder if Ray realizes the degree to which he shows a deep-seated distrust of Indian men and an equally deep trust in the selflessness of women. (Even Ananga's friend Chhutki, who trades her favors for food—giving herself to a hideously scarred kiln worker—wants to share the rice she gets.) Ray is not a vulgar chauvinist, exalting subservient women; quite the contrary. While the men in his films are weak and easily flattered—dupes, self-deceived by vanity and ambition—the women have conflicts that are larger, more dignified, involving a need for love, for independence, for self-expression. They are morally stronger than the men. This may, in part, reflect a belief that the women, having always been in a subservient position, were not corrupted by English rule in the way that the men were.

Still, in "Distant Thunder," in a village far removed from that emasculating Anglicization, Ray perceives the women with such love that they become figures in a vision, and since he sees the men without that etherealizing intensity, there's an imbalance—poetry and prose. In the Apu trilogy, the hero was the embodiment of poetry, but here it is only at the end, when Gangacharan accepts a group of famine victims as his family, that he becomes as compassionate (and as fully human) as the women were all along. For Ray, the source of their strength is humility. And although one wouldn't propose any other course of action for Gangacharan, the way Ray sees him—made whole by his passive, chivalrous acceptance of what's coming—suggests a rather attenuated attempt at universalizing his situation. Satyajit Ray has rarely before dabbled in having his characters do what he so obviously believes is symbolically right; you expect a faint white light to begin whirring around Gangacharan's head. And when, with famine victims approaching their home, Ananga, with a shy, flirtatious smile of pride, speaks of the child she is carrying, this, too, seems to be symbolic of endurance in the midst of extreme adversity.

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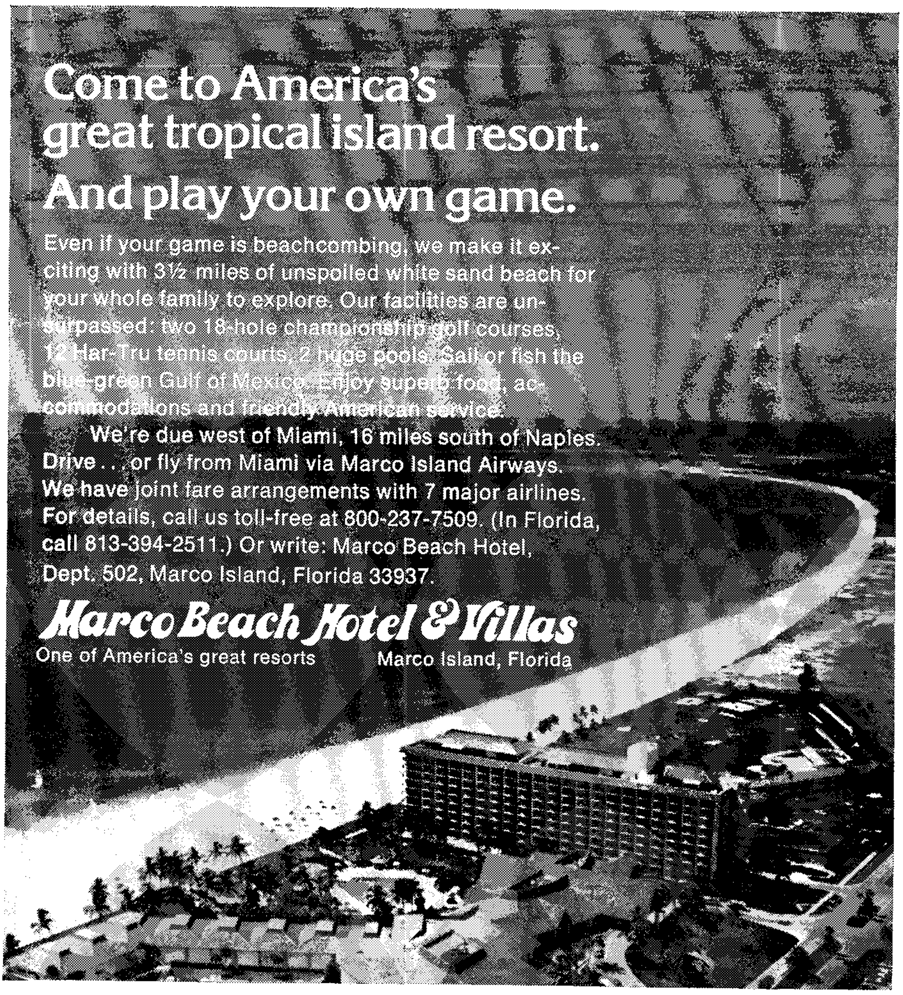
The music, which Ray composed, is also used portentously, signalling "distant thunder." And Ray has developed an alarming affection for melodramatic angles and zoom-fast closeups; when there's a violent action—the scarred man's overtures to Chhutki, or a rapist's assault on Ananga—he wants us to feel the dislocation. But it's intrusive, pushy; his style can't accommodate this visual abrasion. When a movie director suddenly loses his tact, he can shock viewers right out of the movie: cameras are cruel to the disfigured, and when Ray forces us to look close at the enlarged burned face of the kiln worker, we don't understand why. He's introduced like a Quasimodo, and though the more we see him, the easier it is to look at him, his becoming more sympathetic—so that we notice how attractive the good side of his face is—is too pedagogic, too symbolic. The rapist appears even more abruptly; we don't see his face—all we know about him is that he smokes cigarettes, like a Westerner. He remains a plot device, an illustration of the horrors these women experience, and hide, guiltily. Ray's use of emphatic techniques to heighten the impact of his material actually lowers it. When Ananga first mistakes planes flying overhead for insects, that's naïve and halfway acceptable, but when, later, the noise of the planes drowns out her screams as she's being raped, that's ladling it on. The ironies are too charged, as in the situations that American television writers come up with; this cleverness is the dramatist's form of yellow journalism. In Ray's work, what remains inarticulate is what we remember; what is articulated seems reduced, ordinary.

"Distant Thunder" is not one of his greatest films, yet it's still a Satyajit Ray film, and in how many directors' films does one anticipate greatness? With Ray, you puzzle if a picture is a little less than a masterpiece. If this one lacks the undertones of a "Days and Nights in the Forest," it's probably because he's trying to do something that sounds straightforward but isn't quite clearly thought out. Ray wants to show us how war changes people (Bergman brought it off in "Shame"), but he also wants to make an indictment. And somehow he fails on both counts. Probably he fails on the first because he doesn't endow the villagers with enough complexity. And maybe he didn't think of them in complex enough terms because he had that second, social purpose in mind. When Gangacharan learns political lessons—when he discovers that what's wrong is that "the peasants do all the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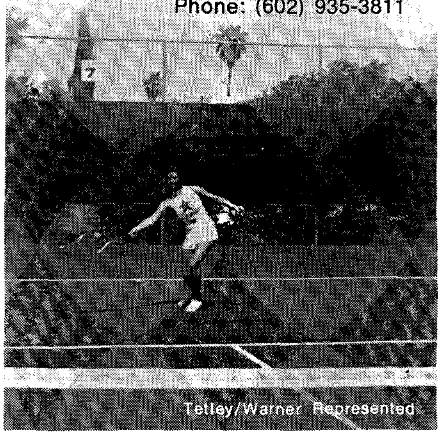

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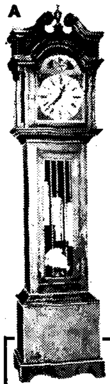

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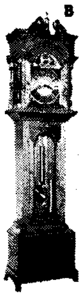

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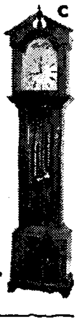

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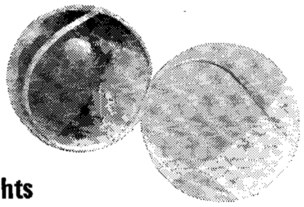

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work and we live off them"—it's just plain fake. Gangacharan's sponging off the peasants—in the sense that he served them with bad grace, contemptuously, demanding a little more than was fair—is hardly a factor in the starvation. When we get the closing title, telling us that five million Bengalis died in the man-made famine of 1943, Ray uses the term "man-made" because it implies that the famine was a crime. But it looks more like a horrible pileup of accidents, plus some criminal greed, and thousands of years of no planning. His statement seems forced; his whole structure is forced, and yet the film is astonishingly beautiful. The character of Gangacharan—a mixture of slothful peacefulness and a sense of dissatisfaction which he takes out on the peasants and an inquisitive, modern mind—is a fine creation, except for terminal loftiness. And there's also a character Ray can't quite get a grip on: a beggar Brahmin with a gap-toothed rabbity smile that Gangacharan calls sly. It's that, and worse. Throughout the movie, whenever he appears, he seems to suck life away. He creates the most disturbing images, maybe because Ray sees him as both the life force and as dirty Death itself. At the end, it's he who arrives with his tribe of dependents—eight in all—to join Gangacharan's household. With his rags hanging on him and his staff in his hand, he's all four horsemen rolled into one. In the final image, the silhouetted figures of this old man leading his family are extended into a procession of the starving advancing on us. It's a poster design, and yet we're also prey to unresolved feelings about that sly beggar. The film is more puzzling than it seems at first; Ray is such an imagist that even his poster art slips into ambiguities.

I don't know when I've been so moved by a picture that I knew was riddled with flaws. It must be that Ray's vision comes out of so much hurt and guilt and love that the feeling pours over all the cracks in "Distant Thunder" and seals them up.

—PAULINE KAEL

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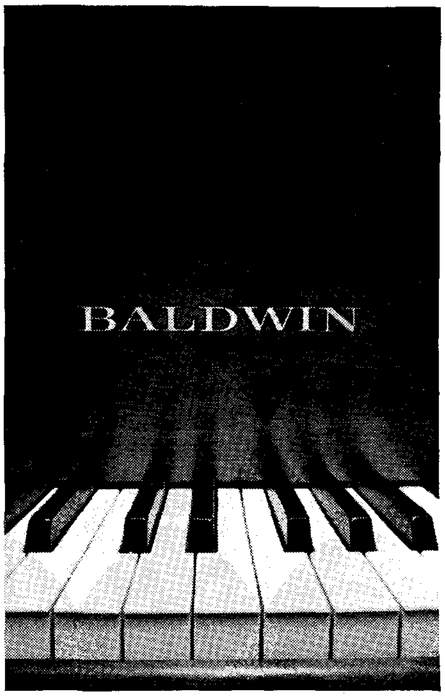
CORRECTION

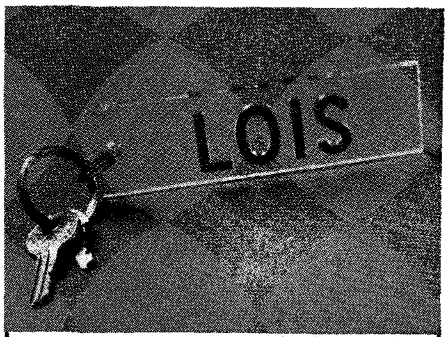
In an article in Sunday's paper The Monitor stated erroneously that Grant Teaff denied the Almighty played any part in Baylor's Southwest Conference Championship.

Actually, Teaff clarified later that he thinks God did help the Bears on the road to victory because they believe in Him. Teaff hopes He will do so again this year.—*McAllen (Texas) Monitor.*

Let's hope He missed the denial.



Seiji Ozawa's Accompanist



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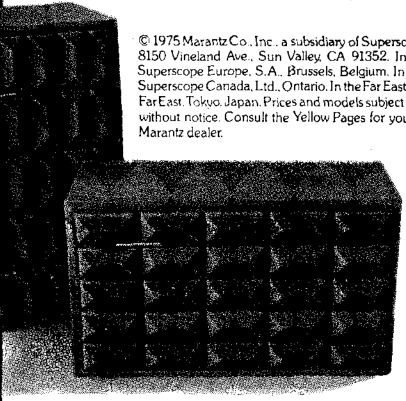

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BOOKS

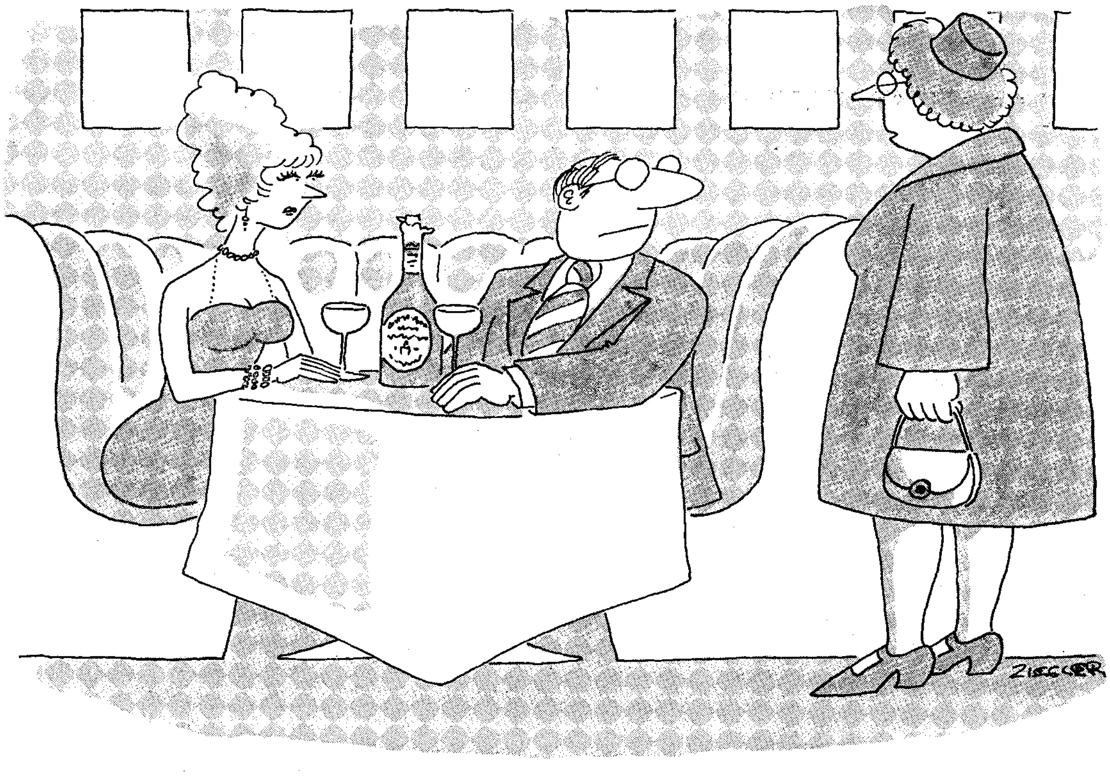
Some Possible Doomsday Books

WORDS change as fast as the rest of our tools, and one that yesterday was strange to us, or even unborn, is a cliché today, and tomorrow may be in the dustbin. Not many years ago, I had to go to my dictionary to find the meaning of "ecology," which by now is kindergarten argot. Currently, one of the newest terms is "doomsday language"—something the most optimistic of us indulge in, no matter how grudgingly. The planet's supplies to its dwellers are not merely threatened, we say, with perhaps masochistic flatness; they are running out fast. This is no dour surmise but a fact, a final knowledge. Oil, minerals, gasses, clear and salt waters will be gone soon, and not in a far, misty future, and perforce life on Earth, now rampant—in human form, at least—must cease. It is natural that food, in its kinds most familiar to us, is uppermost in our concerns (alongside occasional talk of gas rationing in a madly mechanized society). International congresses meet to quarrel over wheat and oil cartels; villagers feel panicky at the sight of empty sugar jars, and invest in two or three hens, what with egg prices likely to go up again. We must, it was long since decided, eat to live, and a growing sense of guilt has itched at the Haves as they became aware by doomsday talk of the millions of Have-nots who are indeed doomed. They (*we!*) have all seen those tragic pictures of enormous eyes and bone-arms and bloated bellies, listened on TV and radio to hopeless rage or apathy, felt trapped, resentful, basically embarrassed, and tried to offset the cold facts of hunger by noting with fake jauntiness that Americans are overweight anyway, so some belt-tightening won't hurt.

One possible proof of our confused approach to world famine is our almost compulsive preoccupation with the subject of food itself. Books about eating continue to roll out of the publishing houses, in the face of obvious shortages of paper, distribution. They are mastodonic at times, lavishly printed and illustrated, highly priced. They sell like peanuts. (Most of them are not worth the ink they have used.) Perhaps their continued sales are one more proof that we are scared. Countless kitchen guides these days lean—discreetly or blatantly, but always stylishly—toward "natural" or "economy" diets. Pertly written by pertly pretty housewives who have discovered organic gardening and how to rub two rutabagas together to feed four happy, whimsical tots—such books glut the shelves. And from childhood to the gastronomical graveyard there are hints on how to serve a "gourmet" meal for pennies, or groats. Meanwhile, silly primers for sillier "beginners" have a predictable success, and a few of them may indeed be of some help to people who suddenly have to wonder how to separate an egg yolk from its white, or how many minutes to boil spaghetti in how much water. They are how-to books, of necessity, and they try to answer unbelievably naïve and fictitious questions about how-to avoid culinary disaster, how-to cook a meal so that it all comes out right at the same time, and even how-to serve a "romantic brunch" as smoothly as would the maître d'hôtel of a Hilton. Many of these guidebooks seem to be written by charming young actresses and career girls who hope, as one of them candidly puts it, to impress their dates. A rare, and early, commendable example of this school of instruction, with much common sense in it as well as some sense for flavor, is "The New Cook's Cookbook," by Carol Guilford (Macmillan, 1969).

A more serious book was published that same year by Funk & Wagnalls—"Methods and Manners of Cooking," by a young professional chef, Bruce Axler. It is packed densely with helpful information, most of it excellent, but it might scare off a blushing kitchen novice by this very fact of concentration. Mr. Axler has no time to waste on how to lure a hesitant suitor with a new way to make crêpes Ninette. He is strictly businesslike, and his compendium is too good to languish and die, which it may already have done. Perhaps it could be revived in some way, to make its honest information more understandable to readers who are taught by all the so-called media that *la haute cuisine* is a quick and inexpensive cinch, a sexy way to success with the boss and even his rich wife.

Mr. Axler wrote the book with a certain youthful solemnity, but also with dedication to the fine art of practiced cooking; along with a careful look at what he advised, so many light-years ago as 1969, I would suggest a second look (the dash of spice in this rather heavy dumpling) at Nicolas Freeling's "The Kitchen"



"No, I'm not jealous, Henry. Just hurt and a bit puzzled."

(Harper & Row, 1970). It is somewhat Orwellian in its cool view of how and why people do what they do, whether in knavish kitchens or equally venal parliaments, and it is witty. "A kiss without a moustache is like an egg without salt" (ancient proverb of dubious but probably Gallic origin)! Mr. Axler does demand a bit of outer levity—baking soda if not ginger and paprika—and in the same vein as Freeling's it might be restorative to look again at "The Cook," a mildly satanic chiller by Harry Kressing (Random House, 1965, when gastronomers still haunted kitchens instead of press agents).

I am immediately suspicious of books that call themselves "unique," "complete," "indispensable," "basic." Admittedly, there are a few pearls in what is thus cast before us. But they cost dearly, in the end. And I am enough of an old hand to admit that somebody like Craig Claiborne usually knows what he is talking about, as in his "Kitchen Primer," published by Knopf in the mystical year of 1969. (And of *course* we all know that good-bad-terrible "kitchen primers" appeared for decades before that date and still do. But 1969 seemed to mark a new, serious approach to guiding earnest, lovable dumbies into passable patterns of culinary behavior. This phenomenon may be clearer to astrologers than to me.) Mr. Claiborne's text is written in almost Basic English: Jane sees an egg. Jane picks up the egg. She does not drop it. But it is written out of experience, and is kindly and not patronizing toward the obvious neophyte (Jane), who may still be studying it in 1975. The counsels are wise. The recipes are mostly straightforward and simple. Claiborne notes, for instance, "Important Things to Know About Making Muffins." I myself am not a dedicated muffin-maker, but I appreciate being reminded of a few things I may have forgotten, while the Young Ones are reading about them for the first time and, I hope, heeding and then digesting them.

The biggest, fattest successes among the current kitchen publications seem to be not the organic and how-to books, or the occasional kindly directives, but the atlases, encyclopedias, and dictionaries that appear with almost hypnotic regularity from editorial desks of every rank. It is as if in the past few years there had been a subconscious preparation for leaner days, when we must feed ourselves vicariously, in a slow thumbing through the "S"s, say, in a big old dictionary printed a long time

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ago, in about 1970. There were *Sardines* then, a tiny-to-small fish that usually came in cans and could be delicate or coarse. *Sausage* was defined as a ground and seasoned *meat!* In those days, sausages were actually made of pork, beef, veal, liver. *Seaweed:* skip it—too familiar! *Shrimp*, fried, in paste, or potted, or any old way: forget it, too. Shrimp gave up after several tries to survive in polluted waters, but it is a stubborn little scavenger and perhaps, someday . . . *Spaghetti:* a nostalgic twinge for the days when pasta was a part of life, instead of a signal of the final death of starches . . . but there *was* that little cellar in Old Town in Nice, or on Broadway in North Beach, and some of us can still grow fat on Recall. . . . A definition of *Sponge Cake* ("Light . . . made from well-beaten eggs, sugar, and flour . . .") can be pang or poison; *what* eggs, sugar, flour? But how delicious, like Marcel Proust's madeleines, recollected without much tranquillity but with a newly learned resignation, which is perhaps the basic difference between Haves and Havenots. And some of the "S"s are so archaic as to be past nostalgia: *Stilton*, *Sour Salt*, *Sweetbreads* . . .

To a dedicated wordnik, any dictionary can be nourishment, whether it define *sauerkraut* or *nuclear fission.* And fortunately for our minds, if not our physical poundage, "the gentle art of lexicography" appears to survive better than most others. For want of a book in hand, prisoners have been known to compose their own verbal dictionaries, usually devoted to sex and food, and the recipes and meanings, spoken softly from one starved man to another, are reported to be letter-perfect: no sloppy "pinch" of saffron or tarragon, but ⅛ teaspoonful of this, ⅓ of that. In such finicky attention lies the success of a fine dish, as well as the preservation of reason itself. In much the same way, people forced by life to subsist on the ooze and muck of college or institutional dining halls have managed to stay fairly sane, gastronomically, with the help of a good ordinary kitchen guide to be read after feeding.

Once, I sent a young man in such straits the good "Joy of Cooking," in the 1951 edition (Rombauer, Becker; Bobbs-Merrill). He has decided that he owes his life to it: he read it *while* he was eating, and now and then can laugh aloud at its rare little jokes and folksy asides, as well as its dependable "receipts." This noble friend to American kitchens is in its own way a kind of dictionary, I believe, in that it defines

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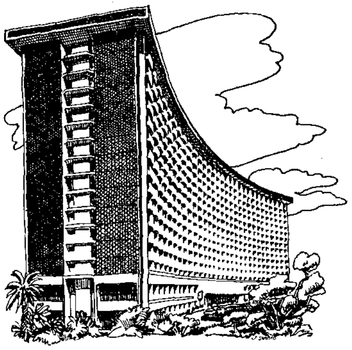
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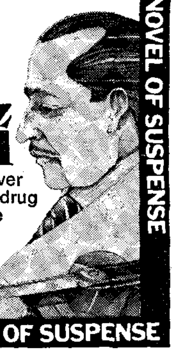
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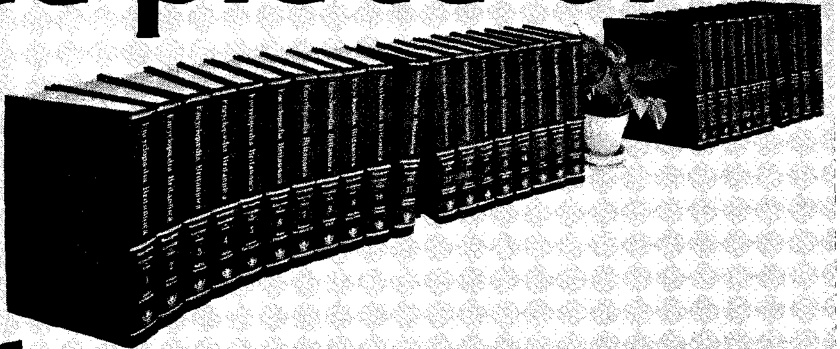

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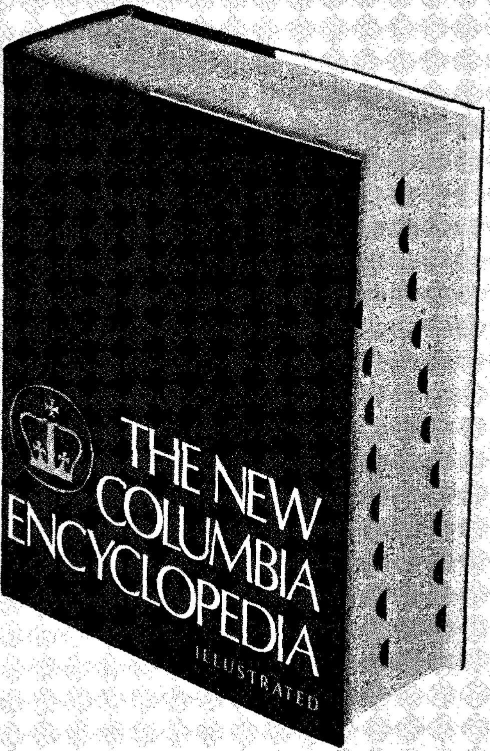

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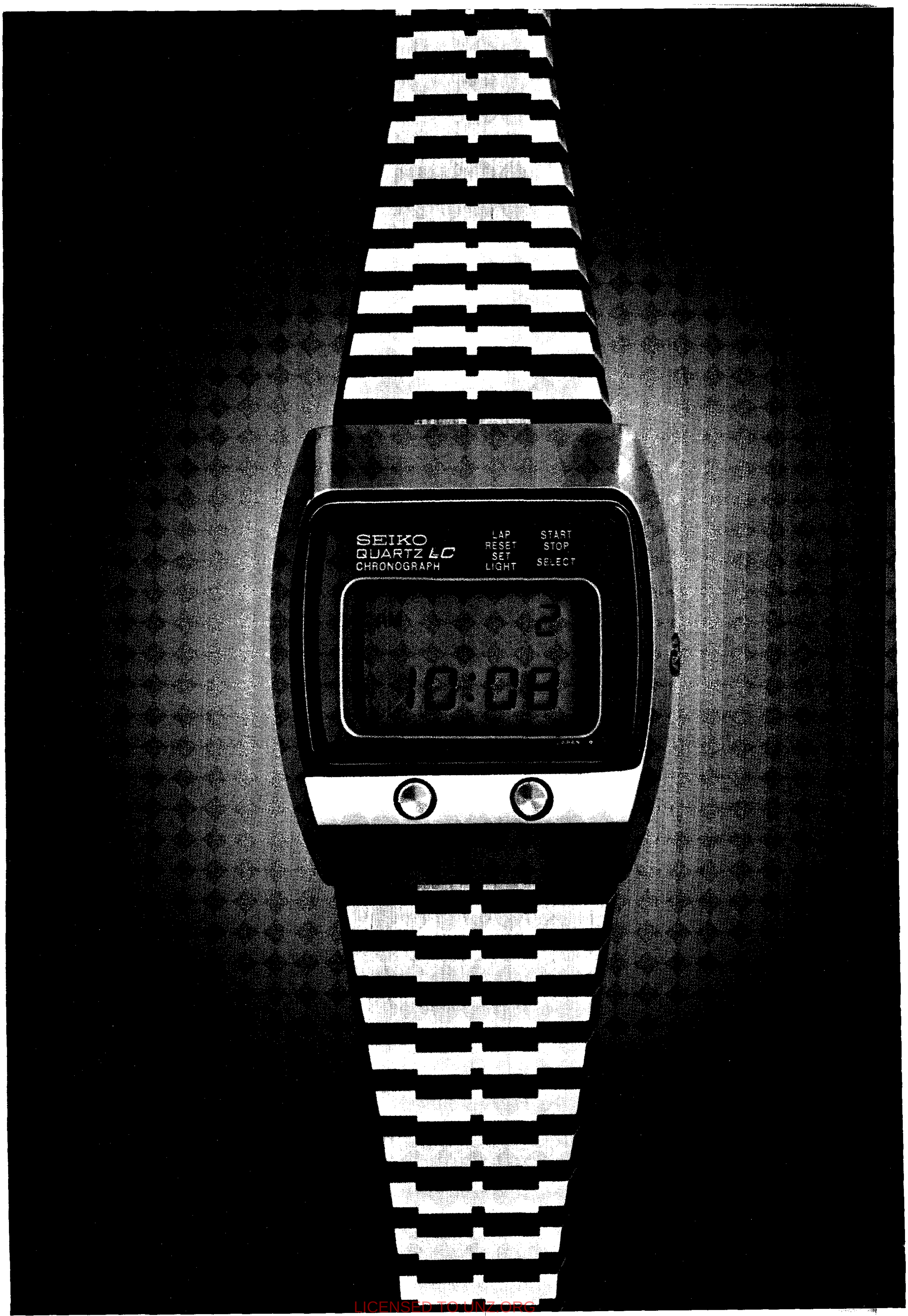
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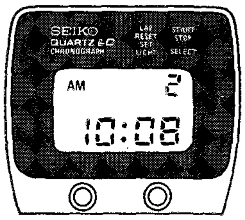
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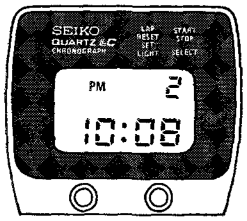
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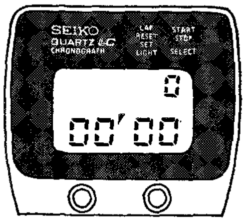
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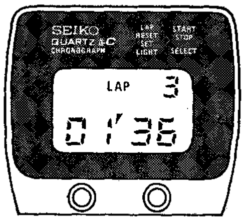
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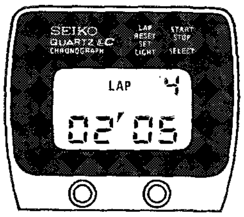
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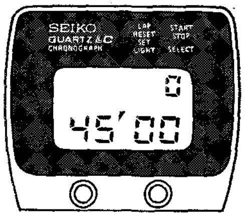
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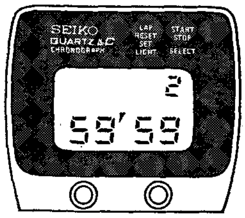
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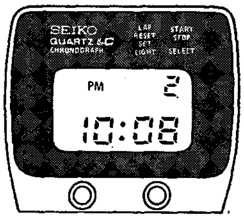
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things, but it would not so qualify to a true lexicographer—a genuine "harmless drudge," as Samuel Johnson defined himself. It is simply a plain cookbook, as several million people would happily agree. It does not call itself a "guide," for instance, although it continues to lead many of us past dangerous shoals.

A better example of that kind of publication states firmly that it is "The Complete Kitchen Guide: The Cook's Indispensable Book. . . . The Basic Reference for Every American Home," etc. (Lillian Langseth-Christensen and Carol Sturm Smith; Grosset & Dunlap, 1968). This self-description does harm to the book, which contains some good basic definitions, phrased, however, less compassionately than Craig Claiborne's for the culinarily retarded or handicapped: "*Toaster:* a small, usually electric, appliance for toasting bread. *Nutcracker:* an instrument for cracking the shell of a nut." Admittedly, the contents of this incomplete, easily dispensable, and basically nonbasic reference book are not as consistently patronizing as my quotations might indicate. (It is hard to remain judiciously solemn in the face of such pontification.)

And it is perhaps our just deserts that there are many more such guides for us. One is "The Cook in the Kitchen," by Ellen Shannon (A. S. Barnes, 1962). It tries bravely to make English comprehensible to us Yanks. (Mrs. Shannon, who was born in Illinois and now lives in Oregon, attended several American universities, but appears to have been rather influenced by her stay at the University of Manchester, in England.) The blurb says that her book encompasses "the many unique expressions of regional American cookery," and of course "the well-known—or often not so well-known—dishes and terms of foreign lands. . . . This dictionary is the most complete and useful of its kind available." I really think I like it a little better than "The Complete Kitchen Guide." It is more straightforward, although it still indulges in such definitions as "*Herb Mustard:* a prepared mustard containing herbs."

A book that is to such kitchen lexicons what Mr. Axler's "Methods and Manners of Cooking" is to most "beginners' primers" is Ruth Martin's "International Dictionary of Food and Cooking" (Hastings House, 1974). It is serious, dull, and useful. It is definitely polyglot, but unfortunately there is no phonetic guide to show how a word might sound in Hungari-

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an, Algerian, or even American. Perhaps a tip to the perplexed is the author's conclusion to her introduction: "The army of crossword and competition addicts will find much in these pages to aid their search for that *bon mot* which leads to success." Let us lift a cup of *Zythos* (Greek: ancient beer) to that understandable incentive!

In 1969, vintage year, a book that did not age well in bottle was "A Dictionary of Cooking" (Ralph and Dorothy DeSola; Meredith Press). More of the same: a nice Beaujolais insisting that it could almost be a Gevrey-Chambertin: "Every cook will find [it] invaluable," and so on. Again, there is no clue to how to say "*kiliç baligi sisde*" when one craves swordfish on a spit in Turkey, although the book promises that "the traveller abroad will find it helpful in dealing with foreign menus." It is perhaps more enigmatic than is usual in such dubiously "essential" collections: "*Mezcal:* (Spanish—mescal)." Right on, and thanks anyway! Any publication containing "approximately 8,000 terms," and costing only seven dollars and ninety-five cents, deserves to be laconic.

Another generous helper ("more than 1100 words used in cooking terminology") is "The Language of Cookery: An Informal Dictionary," by Betty Wason (World, 1968). *Kiliç baligi sisde* is not in it, but there is an attempt at phonetic guidance in such exotic foreign words as "*Roux* (roo)" and "*Choucroute* (shookroot)." Miss Wason indicates that these are French ("Fr."). There is even "*Dolma* (dohl-muh)," which is Turkish . . . she says. (I think I prefer Middle Eastern.) This book is honestly informal—at least compared with the Martin "International Dictionary"—and it is *pleasant.*

A useful work that falls between the serious and the light, the solemn and the ridiculous, was published in 1967 by Holt, Rinehart & Winston. It is by Helen McCully, tried and true and dependable as all get-out. Is it a guide? Is it a how-to? Is it a dictionary? It is called "Nobody Ever Tells You These Things About Food and Drink," and I hope it is still on public libraries' shelves. I am sure that it is not gathering dust anywhere. It is a tidy offering of commonsense culinary information, hideously bound (fortunately, it is now in paperback) and handsomely illustrated. A lot of the questions sound plain silly, but Miss McCully is experienced in the Retort Courteous, and to the query "What is meant by 'until set'?" she can answer flatly, "What it

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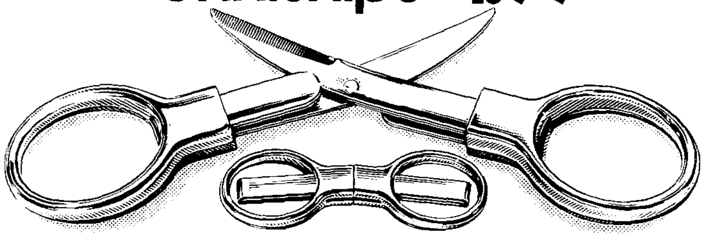

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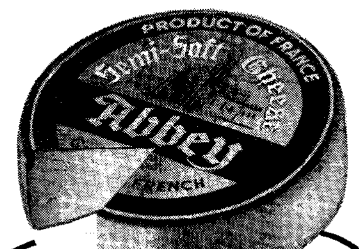
says," and then soften this brutality by adding, gently, "Until the food is firm to the touch. Usually applied to aspics, jellies, custards, etc." A surprising number of kitchen manuals state blandly that they should stand next to all cooks' favorite recipe books, and I grudgingly admit that the blurb for "Nobody Ever Tells You" does say that it is "the indispensable [dirty word!] companion," but if I had to choose only one in the dozens I look at it would be Helen McCully's. Thanks to its excellent index, it can act as teacher, lexicographer, doctor, and even comedian on an off day at the stove or sink, and how can anyone ask for more?

A somewhat less lovable and more impressive book is the more serious "Dictionary of Gastronomy," by Robin Howe and the venerated André L. Simon (McGraw-Hill, 1970). I bought it because I mistakenly thought that it might be a one- or two-volume edition of Simon's "Concise Encyclopaedia of Gastronomy." Instead, it is a large, glossy job, designed to sell well in its own fleeting historical period—which I assume it did, at slightly under twenty dollars a whack: old Simon's devotees are widespread and loyal. The good color photographs are cheerily misleading, included without much relevance to the text. For instance, there is a casserole just big enough to hold four baked eggs, backed by four more enormous ones (ostrich?) that would comfortably fill a large stewpan without any cream or cheese, and facing this is a page about butter, including butterfish and African butter pits. And there is a pleasant shot of three plump Frenchwomen stripping ripe grapes from their stalks to demonstrate "l'Epluchage." Their facing page of definitions goes from *Shrimp Butter* to *Cabbage Palms.* All in all, I feel wearied and rather morose by now about the well-meant wastefulness of book designers and publishers, and even writers. One look at the "Concise Encyclopaedia," however, always revives me. "One look" is a loose term: usually when I find a word like *Cod,* say, in *Fish,* I read happily all around its seven generous pages, and everything is tantalizing and delicious. I read about *Ciro,* a West Indian *Kingfish.* It might go into a bouillabaisse. I should perhaps look up *Kingfish.* But there are a couple of recipes for *Conger-Eel,* and then I ponder on how many people think that anything baked in a *Coquille* can be called *St.-Jacques,* and how good *Crab* can be in San Francisco, straight from its cracked



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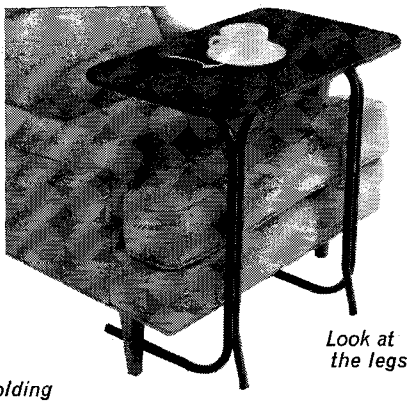
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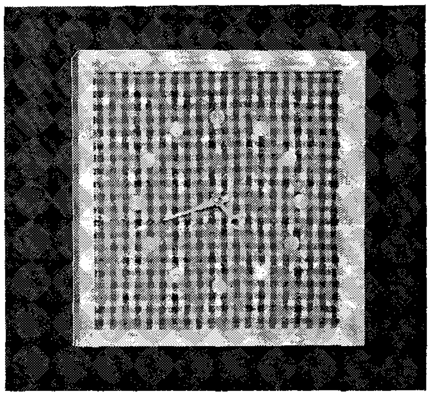
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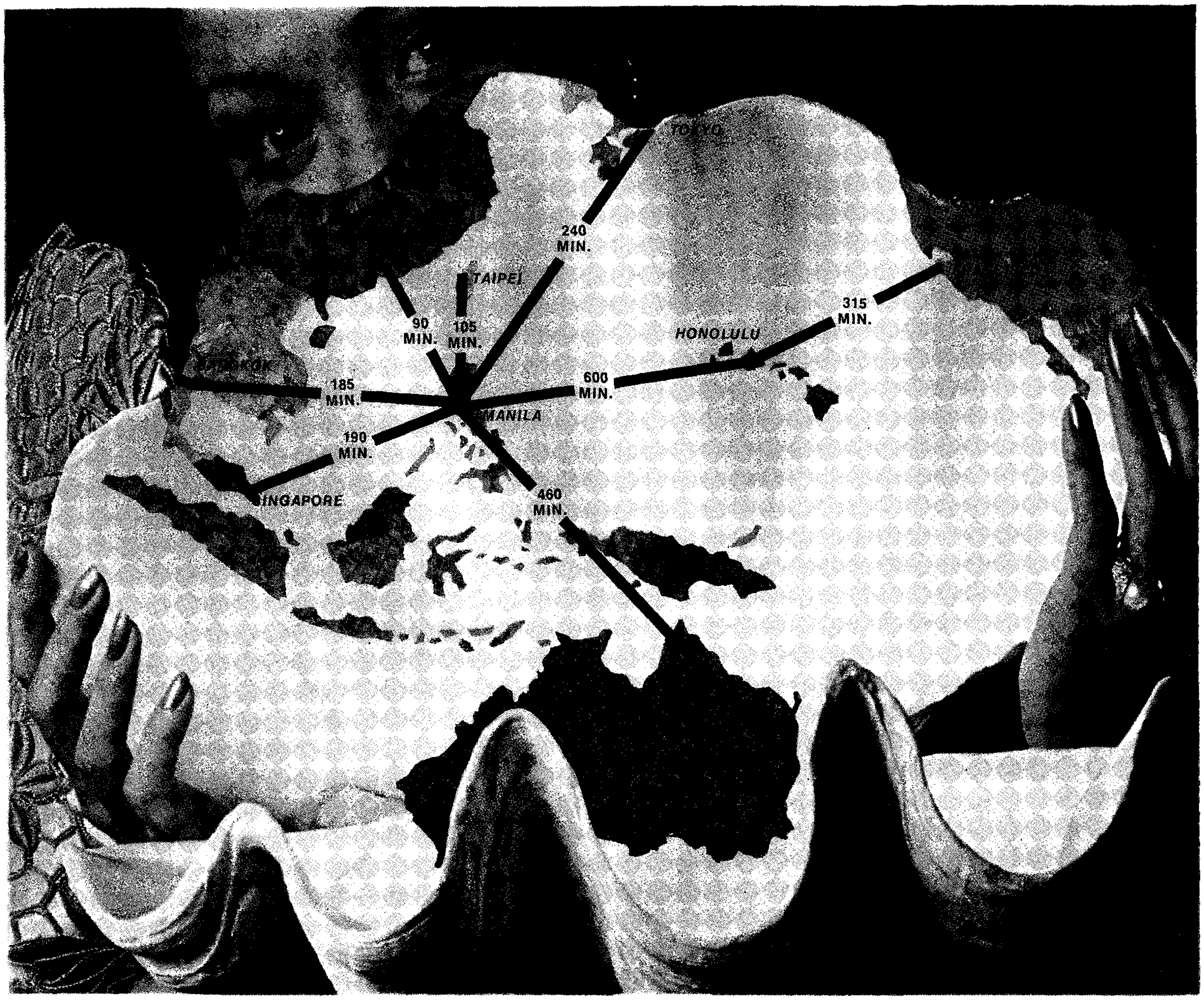

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shell. André, I say fondly, you were a dear old rascal, and I love you in 1975 as I did in 1931—our shared Mays and Decembers! I have six of the nine paperbound sections of the "Encyclopaedia," published by the Wine and Food Society in London, from 1939 right through the rough years until 1946. I have "Sauces," "Fish," "Vegetables," "Breads, Desserts, and Cereals," "Fruit," and "Meat." One that I am missing is "Birds and Eggs," which, fortunately, is the one I can most easily live without. I don't know if anything has ever been done about reissuing them in one big book, or perhaps two. I hope for the best, because they are worth preserving, and my wartime paperbacks are growing tattery.

There is some cheer for this feeling of dismal finiteness in the American publication (McGraw-Hill, 1974) of Ali-Bab's "Encyclopedia of Practical Gastronomy," skillfully translated from the French by Elizabeth Benson. André Simon produced a much quirkier work, packed with odd quotations and impossibly archaic recipes, mixed in with history, surmise, and practical advice. Ali-Bab's classic (1906) is more directly personal, and therefore perhaps less classically encyclopedic. It, too, is delightful. The chapter called "How I Entertain Friends for Meals" should be reprinted in pamphlet form, to be handed out with every diploma given by a cooking school or home-economics department or marriage counsellor. One thing distresses me about the excellent translation of the American edition: the recipes' ingredients are not listed in the order of their use, and while Mrs. Benson was translating the old gastronomer's weights and measures into ours she should have bowed even further and juggled his Victorian directives a bit more. I realize that I am a little hipped on this subject (mildly paranoid, one candid friend labels it), and that it demands a rigid formula and is therefore distasteful to Rugged Individualists. But I continue to wince at being instructed to separate four eggs and then finding them listed halfway through such ingredients as chopped parsley to be added at the *end*, and grated cheese and salt and pepper to go in *after* the eggs. Ah well, it is apparently a losing battle I fight, and by now I am more resigned than merely philosophical. It is interesting in our current period of vicarious gourmandism that the reason a young French mining engineer named Henri Babinski became world-famous as Ali-Bab, the arbiter of *la haute cuisine*,

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is that after his first twenty-five years of bland disinterest in culinary art he found himself half starved and suddenly aware of the importance of good food to his whole well-being. He and his companion engineers ate nothing but the fish and animals they caught on their long trips into tropical wildernesses. The natives would boil or broil them, without benefit of seasonings or accompaniments, and the young Frenchmen had "to struggle against lack of appetite and anemia as a result. Therefore, the slightest innovation in the preparation of the food was received with enthusiasm, just because it would give us a gustatory sensation which broke the usual monotony." Another case of deprivation and lack of change—as with the prisoner, the student! If Babinski and his companions could have carried along a copy of Brillat-Savarin to read aloud as they chewed on boiled jungle squirrels, they might have suffered less from "the usual monotony."

Almost surely their edition would be "traveller's" size, to carry in the backpack or pocket, and while I myself, practically a hundred years later, am used to medium-sized textbooks, I would much prefer to squint at a midget than cope with some of the monsters now in style. One publisher described these somewhat ashamedly to me as "gastronomical mastodons . . . the dinosaurs of the coffee table." An excellent example of this is "The World Atlas of Food" (Simon & Schuster, 1974), and I am so averse to the whole tendency that it hurts me to admit that the book is excellent in itself. It remains everything I dislike: too heavy (four pounds), too big (roughly in quarto), too costly (twenty-nine dollars and ninety-five cents). Its awkward opulence is depressing. It calls itself "A gourmet's guide to the great regional dishes of the world." (At least it is not labelled "*The* guide.") The jacket blurb is true to form: "marvellous journey of discovery . . . marvellous encyclopedia . . . superlative cookbook . . . over 500 recipes, some 1,000 illustrations, almost 100 pages in full color . . . 65 superbly detailed two-color maps . . . remarkably informative text . . . the ultimate book for all those who would understand and enjoy food . . . easily the most comprehensive, fascinating, and visually splendid book of its kind ever published." Well, we've heard it before, and we'll hear it again, and someday a publisher is going to print a jacket that will say, "This is pretty good, and we think you'll be glad you bought it." Meanwhile, I can and do confess, no

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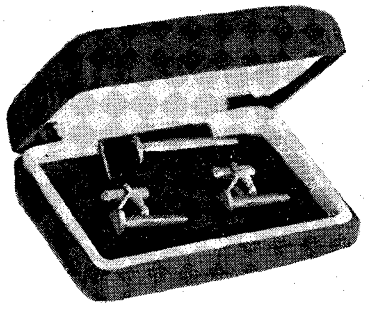

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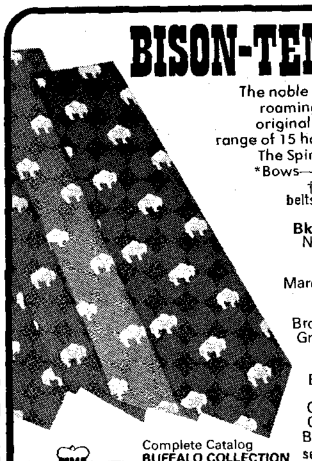

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matter how grudgingly, that "The World Atlas of Food" is more than "pretty good." While I do not find it "visually splendid," I like its mustardy cloth cover lined with tomato red, and the color prints and the many little black-and-white cuts (too reduced) are pleasant. The editing is conscientious and good, and the texts have been written by twenty-six of the best-known authorities in their gastronomical fields, beginning with Jane Grigson and including people like James Beard, Kenneth Lo, Hugh Johnson. They'd *better* be good—and they are. And so, as far as I can tell, are the recipes. (It is sometimes hard to be sure, in referring to a practiced or critical eye, whether one really means "jaundiced" or "jaded.") I looked at many familiars, which have the right ring to them, and to even more unknowns, which tempt me. And, as is proper in anything produced with as much art and experience as this book, the recipe ingredients are listed in the order of their use. All in all, I find myself feeling unusually benevolent about this book, in spite of its monstrous weight, size, price, and general lush extravagance. It is a pretty job, and I wish I did not have to lie flat to read it, as one does with Doré's Bible. It is certainly neither designed nor written for a prison camp, a college commons, or even a kitchen table, but it may serve to assuage some gastronomical doubts and yearnings in lean years ahead, and even some guilt pangs today. —M. F. K. FISHER

BRIEFLY NOTED

FICTION

WILLARD AND HIS BOWLING TROPHIES: A PERVERSE MYSTERY, by Richard Brautigan (Simon & Schuster). "America was a very large place and the bowling trophies were very small in comparison." With that indisputable (and all too representative) line, Richard Brautigan establishes the quandary of the three Logan brothers—oafish types from whom some cherished bowling trophies have been stolen. While the brothers are scouring America up and down, the trophies have fallen into the hands of a young San Francisco couple, John and Pat, who are keeping them in a room with a papier-mâché bird named Willard. In an apartment upstairs from John and Pat is another young couple, Bob and Constance, who, afflicted by misery and venereal warts, are caught in an inane sadomasochistic

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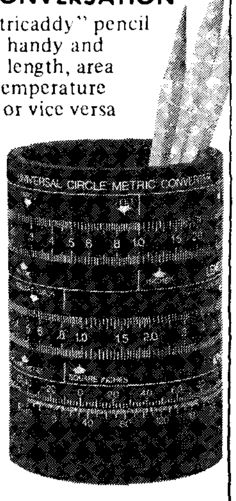

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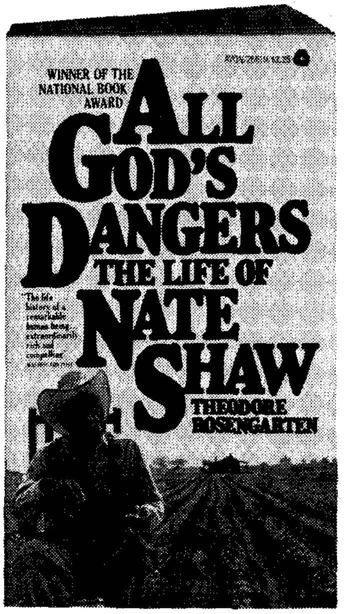

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charade; at first, Bob had enjoyed tying Constance up and flogging her lightly, but now, a year later, they keep repeating the game even though the fun is gone. There are a few small anchors for all this whimsey (the way John tries to avoid seeing the very end of the "Tonight Show," for example), and they may be all that prevents the book from rising out of the reader's hands and floating, deadpan, out the window.

MY MERCEDES IS BIGGER THAN YOURS, by Nkem Nwankwo (Harper & Row). A spirited but rather silly morality tale about a handsome, spoiled young Nigerian whose vanity, callousness, lasciviousness, and unwholesome love for his Jaguar turn the gods vengefully against him. The story is one of those in which the reader is constantly being teased with glimpses of potentially interesting matters (like life in Lagos, where the young man works as a P.R. representative for a European firm, or the traditions of the tiny, bone-poor hamlet where he grew up, or a corrupt local election) but is whisked on to something else before his curiosity is even mildly satisfied. The book's problems are compounded by the absence of a glossary, since Ibo words abound.

NOTE: "Passions and Other Stories," by Isaac Bashevis Singer, has been published by Farrar, Straus & Giroux. Many of the stories originally appeared in *The New Yorker*.

GENERAL

MY LIFE, by Golda Meir (Putnam). An exceptionally readable work. As a woman who achieved the position of Prime Minister on her own, unrelated to a male predecessor, Mrs. Meir is unexampled. As a Socialist and a Labor Party leader with experience of manual toil, she is not quite so rare, but still uncommon. Mrs. Meir is candid, though not introspective, and her writing is very good indeed. She recalls her childhood in the Russian empire, making Jewish existence in the czarist Pale of Settlement sound like life on an Indian reservation run by General Custer. Her Russian childhood made her a Zionist and a Socialist, and her American girlhood (in Milwaukee) equipped her with the education and nerve to act on her beliefs. Mrs. Meir and her husband arrived in Palestine in 1921 and joined a kibbutz that was reclaiming a malarial swamp. Mr. Meir was unable to remain at the kibbutz,

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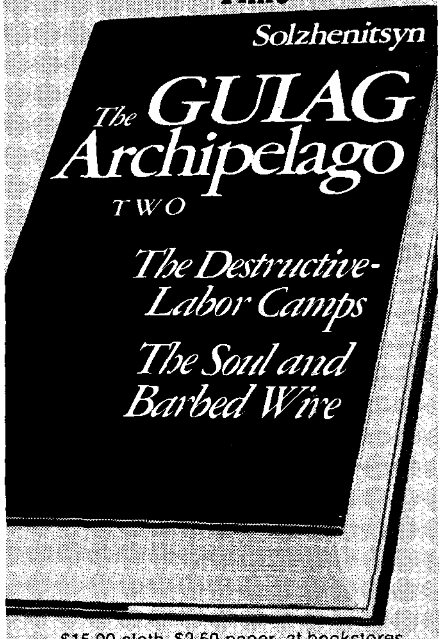

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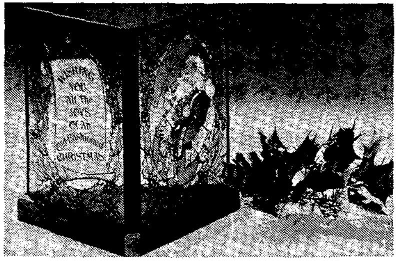

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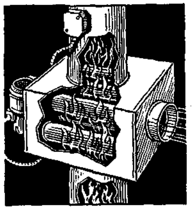

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and the family moved to Jerusalem. Gradually, Mrs. Meir evolved into a worker for, and executive of, Histadrut, the General Federation of Jewish Labor. She is frank about the personal cost of her career. Her marriage fell apart, and since neither her Socialist life style nor her income permitted housekeepers and nannies, she paid in guilt and anxiety, feeling that she neglected her children. Yet she could not help responding to the urgencies of the world and the claims of duty. Hitler's massacres, Britain's restriction of Jewish immigration to Palestine, the Second World War, the decision of Palestinian Jewish leaders to seek independence—all these events, as she sees it, demanded her continued activity. Since Mrs. Meir is not self-conscious, she never says why she was asked to take ever higher positions, or what qualities her chiefs and colleagues admired in her work; she just becomes, say, the Israeli Ambassador to Russia or the Minister of Labor. But she says exactly what she thinks about everybody else: de Gaulle, Ben Gurion, John F. Kennedy, Idi Amin (who got his paratroop training in Israel), and many, many others.

THE BOOK OF ABIGAIL AND JOHN: SELECTED LETTERS OF THE ADAMS FAMILY, 1762-1784, edited and with an introduction by L. H. Butterfield, Marc Friedlaender, and Mary-Jo Kline (Harvard). This correspondence is, for the most part, the outcome of the lengthy separations that the loving couple endured while John labored at home and abroad for the independence and security of his country. John's efforts are a well-known part of United States history. Abigail's should be. Her letters offer a first-rate picture of the home front. She coped with inflation, a housing shortage, a scarcity of labor, and the disappearance of imports—both necessities and luxuries—while she ran the family farm and raised the children. John confided in her as much as he dared—the mails were always likely to be stolen and opened—and they heartened each other as best they could. John is extremely entertaining when his Puritan spirit confronts the splendors of the Old World with admiration and suspicion and he describes Europe's fearful glamour to his New England spouse. An enchanting and absorbing work.

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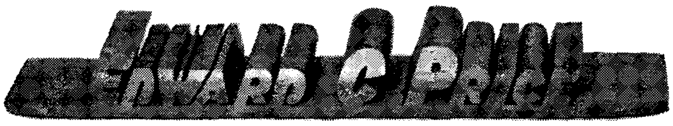

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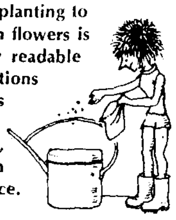

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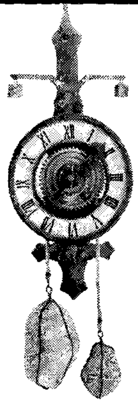

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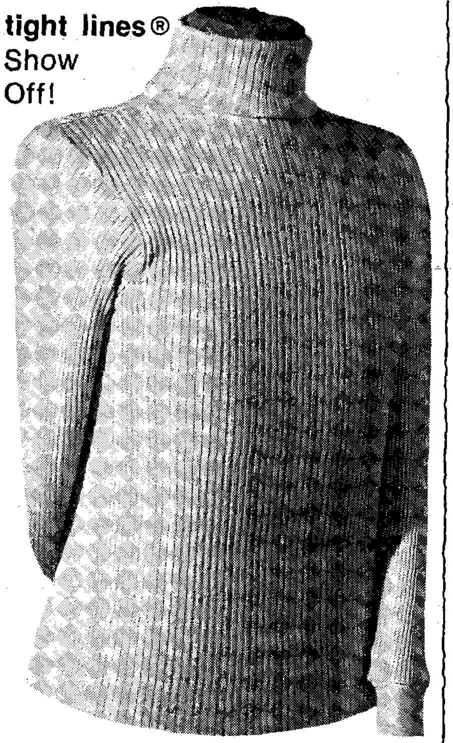
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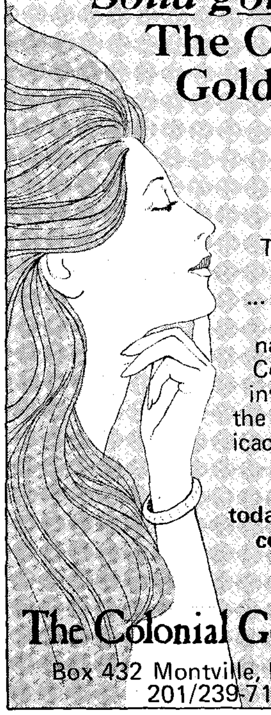
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Frank Kermode (Viking). Four essays, originally delivered as the T. S. Eliot Memorial Lectures at the University of Kent, that work tentatively toward a theory of a "modern classic." With due respect for Eliot's own views on classics, Mr. Kermode first discusses Vergil's "Aeneid" and its influence on such later poets as Dante, Marvell, Milton, and the English Augustans, and then takes up Hawthorne's "The Scarlet Letter" and Emily Brontë's "Wuthering Heights." Where the ancient classic exerted an almost imperial authority over its readers, these modern classics invite each reader's participation and allow for varying interpretations. Complexity and ambiguity are a modern classic's characteristics, misapprehension and disagreement its inevitable offspring. Mr. Kermode refers to his discussion as merely a "sketch," but in that sketch one can find tolerance, inventiveness, allusiveness, and wide learning.

JOURNEY TO THE TRENCHES: THE LIFE OF ISAAC ROSENBERG, 1890-1918, by Joseph Cohen (Basic Books). The biography of an English poet who was killed in the First World War and who, until the last few decades, was known only to a tiny band, and frequently admired for the wrong reasons, such as having been poor and Jewish and having died very bravely. Rosenberg in life was something more: powerful, original, and a true poet. Professor Cohen's solid study traces the details of Rosenberg's career—he began as a painter, and the book includes reproductions of his art as well as quotations from his poems. The author has considerable feeling for his harassed hero, but enough detachment to make Rosenberg an individual rather than the stock figure of the unappreciated boy genius.

NOTE: "Terribly Nice People," a collection of William Hamilton's cartoons, many of which originally appeared in this magazine, has been published by Putnam.

MYSTERY AND CRIME

CURTAIN, by Agatha Christie (Dodd, Mead). The curtain is for Hercule Poirot, who, old and ailing, dies in the course of this his last (and perhaps most convoluted) case. The setting, as so often in the past, is a pleasant English country house in which is assembled a company of vigorous stereotypes—the officer-sportsman, the henpecked husband,

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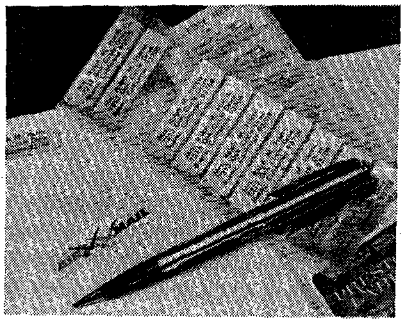
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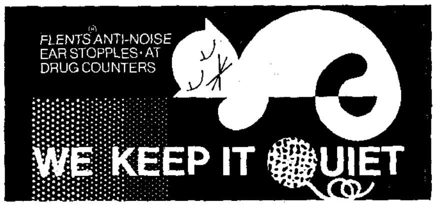

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the absentminded scientist, the pretty little tyrant who enjoys poor health, the smiling cad, the liberated girl, the enthusiastic bird-watcher, the hard-eyed nurse—one of whom, Poirot confides to his *bon ami* Captain Hastings, is a mass murderer eager to score again. The story is told by Captain Hastings, a Dr. Watson of consummate density ("No, but dash it all, Poirot—"), and he tells it with an obtuse verve entirely worthy of his famous prototype. A Literary Guild selection.

OPEN AT YOUR OWN RISK, edited and with an introduction by Joan Kahn (Houghton Mifflin). In her introduction to her fourth assemblage of short fictional and factual suspense stories, Miss Kahn suggests that "stories of suspense . . . when they are good, don't date. They remain fresh and fascinating often hundreds of years after they were written. This is not true, I think, of all good fiction." There is truth in this, and the explanation would seem to be simply that the good suspense story is the very definition of "story": it compels and holds our attention, there is a forward dynamic, we must know what happens next. Most (if not all) of the entertainments gathered here—eighteen pieces of fiction and seven factual accounts—have that essential provocative quality, and also, it turns out, that of timelessness, for one of the authors (Walter Scott) was born in the eighteenth century, and fourteen (among them, Mrs. Gaskell, Charlotte Gilman, Violet Hunt, W. W. Jacobs, Somerset Maugham, Stella Benson, Jorge Luis Borges, and P. G. Wodehouse) are nineteenth-century products. It might be added that the contribution of the youngest writer listed (born 1921) is among the least impressive works.

•

—An invitation to Shapp to address the National Conference of State Legislatures in Philadelphia.
—A big Democratic fund-raising deception and dinner scheduled in Camp Hill and Harrisburg.—*Harrisburg (Pa.) Evening News.*

There should be more of this plain speaking!

•

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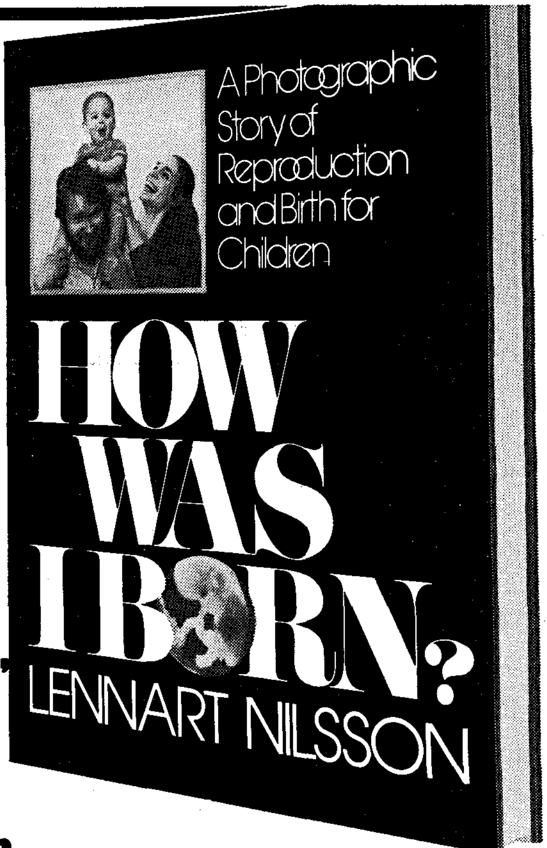

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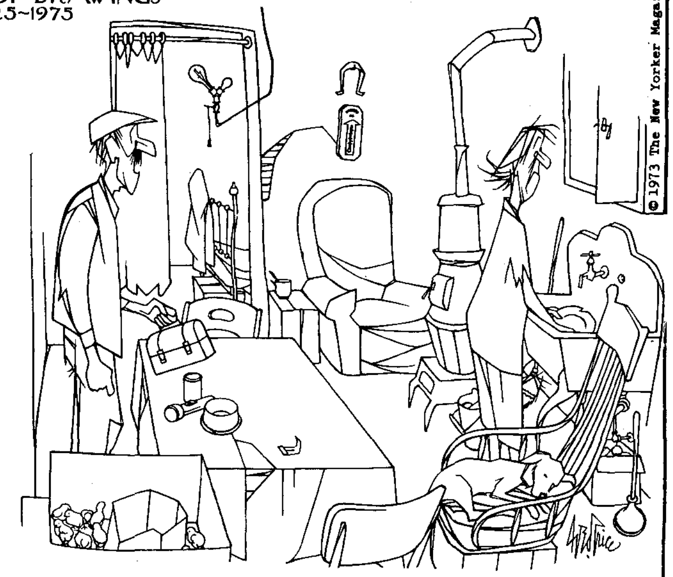

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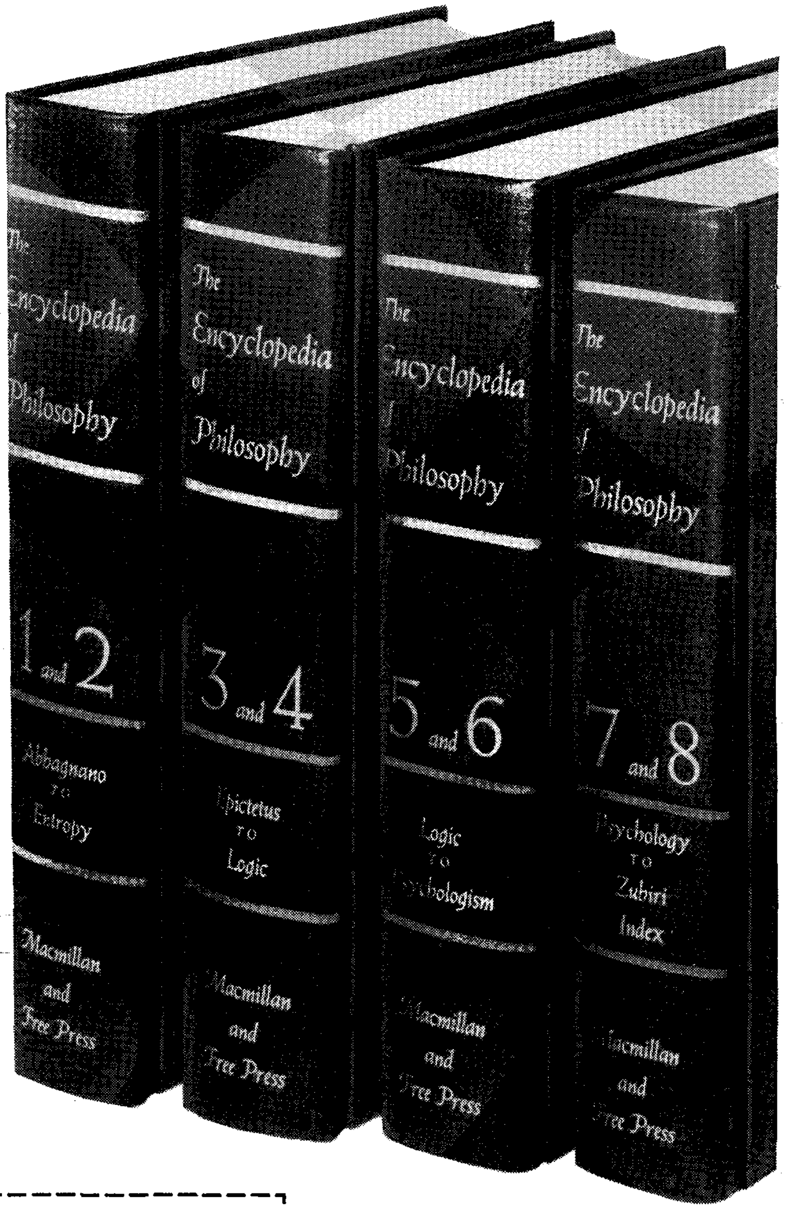

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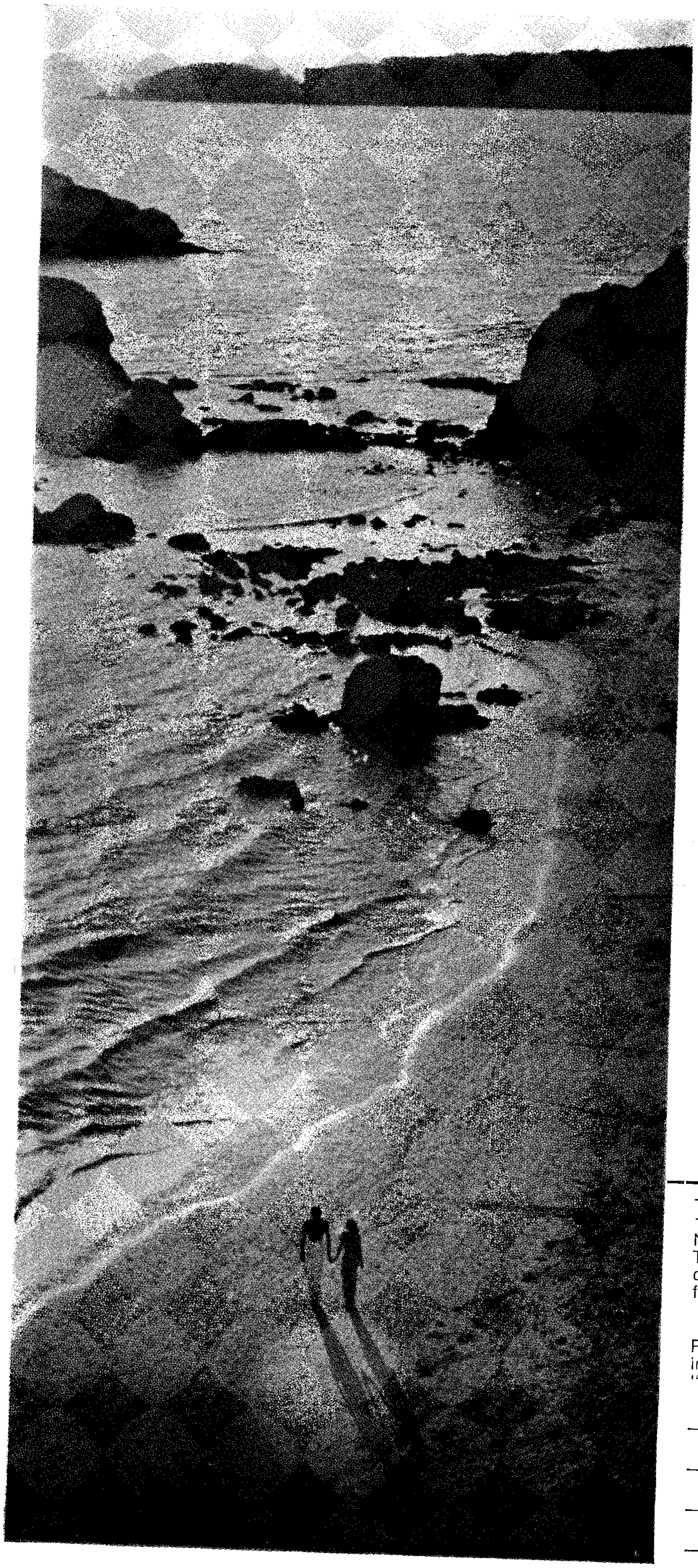

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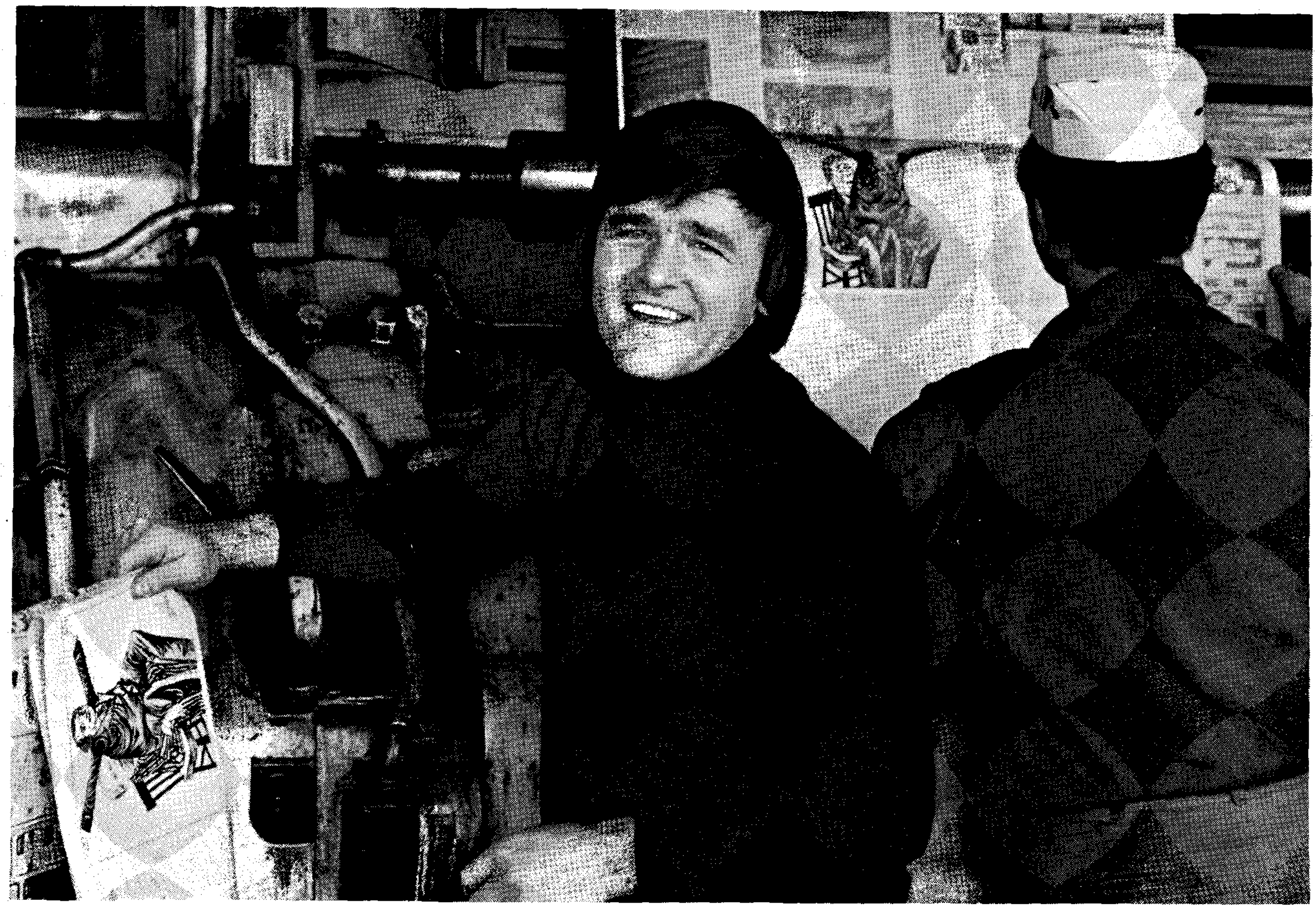

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